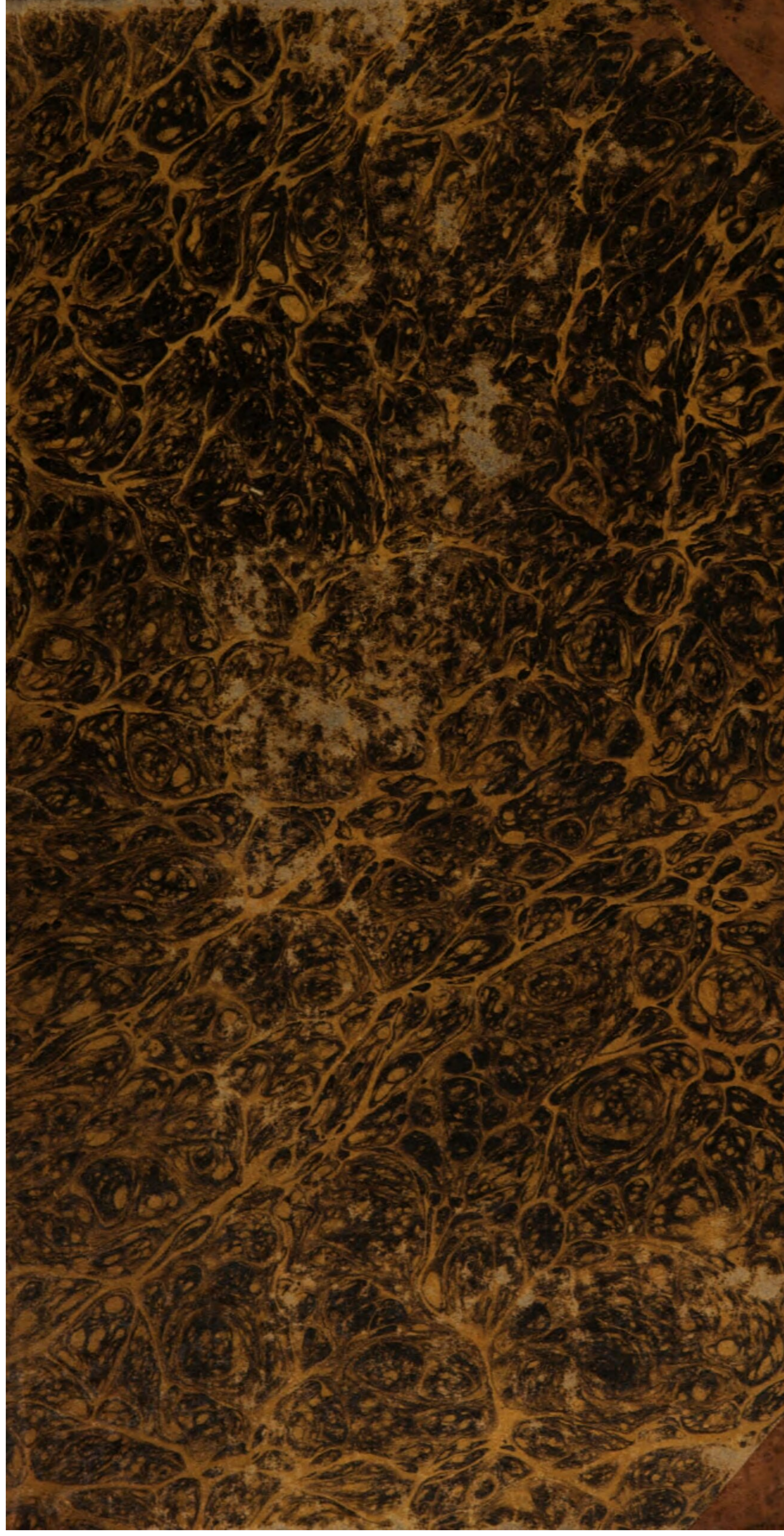




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THE HISTORY OF THE
REFORMATION OF THE
CHURCH OF ENGLAND
IN THE SIXTEENTH CENTURY
BY
DAVID HUME
ESQ.
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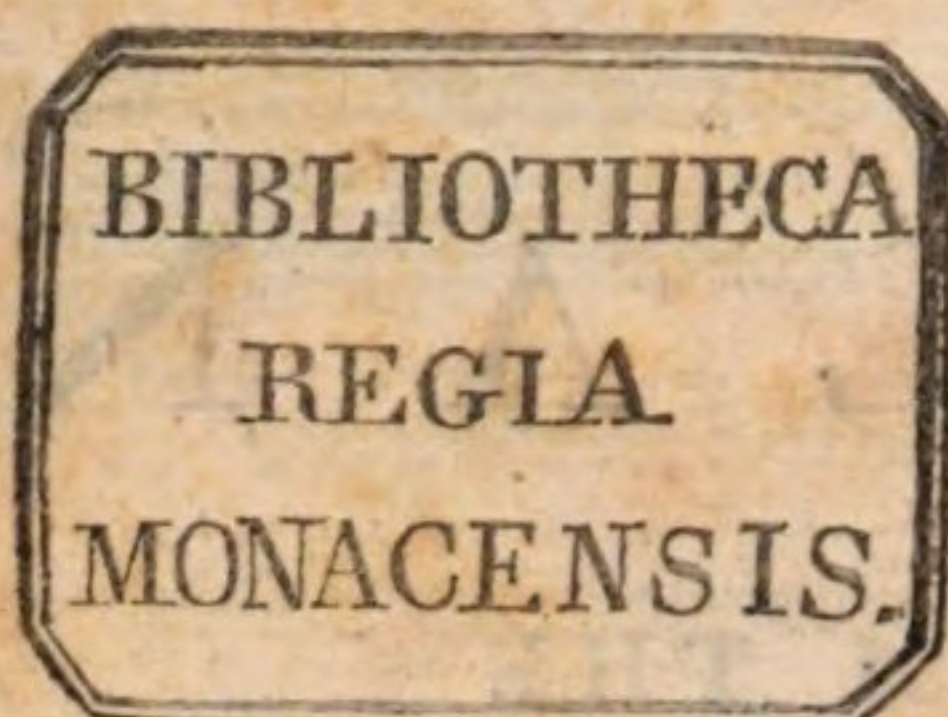
The REVOLUTION in 1688.

By DAVID HUME, Esq;

A NEW EDITION.

VOL. VIII.

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T H E
H I S T O R Y
O F
G R E A T B R I T A I N.

J A M E S I.

C H A P. XLV.

*Introduction—James's first transactions—State of Europe
—Rosni's negotiations—Raleigh's conspiracy—Hampton-
court conference—A Parliament—Peace with Spain.*

THE crown of England was never transmitted from father to son with greater tranquillity, than it passed from the family of Tudor to that of Stuart. During the whole reign of Elizabeth, the eyes of men had been employed in search of her successor; and when old age made the prospect of her death more immediate, there appeared none but the king of Scots, who could advance any just claim or pretension to the throne. He was great grand-son of Margaret, elder daughter of Henry VII. and, on the failure of the male line,

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C H A P. XLV. 1603. his hereditary right remained unquestionable. If the religion of Mary, queen of Scots, and the other prejudices contracted against her, had formed any considerable obstacle to her succession; these objections, being entirely personal, had no place with regard to her son. Men also considered, that, though the title, derived from blood, had been frequently violated since the Norman conquest, such licences had proceeded more from force or intrigue, than from any deliberate maxims of government. The lineal heir had still in the end prevailed; and both his exclusion and restoration had been commonly attended with such convulsions, as were sufficient to warn all prudent men not lightly to give way to such irregularities. If the will of Henry VII. authorized by act of parliament, had tacitly excluded the Scottish line; the tyranny and caprices of that monarch had been so signal, that a settlement of this nature, unsupported by any just reason, had no authority with the people. Queen Elizabeth too, with her dying breath, had recognized the undoubted title of her kinsman James; and the whole nation seemed to dispose themselves with joy and pleasure for his reception. Though born and educated amidst a foreign and hostile people, men hoped, from his character of moderation and wisdom, that he would embrace the maxims of an English monarch; and the prudent foresaw greater advantages, resulting from a union with Scotland, than disadvantages from submitting to a prince of that nation. The alacrity, with

which the English looked towards the successor, had appeared so evident to Elizabeth, that, concurring with other causes, it affected her with the deepest melancholy; and that wise princess, whose penetration and experience had given her the greatest insight into human affairs, had not yet sufficiently weighed the ingratitude of courtiers, and levity of the people.

As victory abroad, and tranquillity at home, had attended this princess, she left the nation in such flourishing circumstances, that her successor possessed every advantage, except that of comparison with her illustrious name, when he mounted the throne of England. The king's journey from Edinburgh to London, immediately afforded to the inquisitive some circumstances of comparison, which even the natural partiality in favor of their new sovereign, could not interpret to his advantage. As he passed along, all ranks of men flocked about him, from every quarter, allured by interest or curiosity. Great were the rejoicings, and loud and hearty the acclamations which resounded from all sides; and every one could remember how the affability and popular manners of their queen displayed themselves, amidst such concourse and exultation of her subjects. But James, though sociable and familiar with his friends and courtiers, hated the bustle of a mixt multitude; and though far from disliking flattery, yet was he still fonder of tranquillity and ease. He issued therefore a proclamation, forbidding this resort of people, on pretence of

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First transactions of this reign.

C H A P. the scarcity of provisions, and other inconveni-
 XLV. ences, which, he said, would necessarily attend
 1603. it¹.

HE was not, however, insensible to the great flow of affection, which appeared in his new subjects; and being himself of an affectionate temper, he seems to have been in haste to make them some return of kindness and good offices. To this motive, probably, we are to ascribe that profuseness of titles, which was observed in the beginning of his reign; when in six weeks time, after his entrance into the kingdom, he is computed to have bestowed knighthood on no less than 237 persons. If Elizabeth's frugality of honors, as well as of money, had formerly been repined at, it began now to be valued and esteemed: And every one was sensible, that the king, by his lavish and premature conferring of favors, had failed of obliging the persons, on whom he bestowed them. Titles of all kinds became so common, that they were scarcely marks of distinction; and being distributed, without choice or deliberation, to persons unknown to the prince, were regarded more as the proofs of a facility and good-nature, than of any determined friendship or esteem.

A pasquinade was affixed to St. Paul's, in which an art was promised to be taught, very necessary to assist frail memories, in retaining the names of the new nobility².

¹ Kennet, p. 662.

² Wilson, in Kennet, p. 665.

WE may presume, that the English would have thrown less blame on the king's facility in bestowing favors, had these been confined entirely to their own nation, and had not been shared out, in too unequal proportions, to his old subjects. James, who, through his whole reign, was more guided by temper and inclination than by the rules of political prudence, had brought with him great numbers of his Scottish courtiers; whose impatience and importunity were apt, in many particulars, to impose on the easy nature of their master, and extort favors, of which, it is natural to imagine, his English subjects would loudly complain. The duke of Lenox, the earl of Marre, lord Hume, lord Kinloss, Sir George Hume, secretary Elphinstone³, were immediately added to the English privy council. Sir George Hume, whom he created earl of Dunbar, was his declared favorite as long as that nobleman lived, and was one of the wisest and most virtuous, though the least powerful, of all those whom the king ever honored with that distinction. Hay, some time after, was created Viscount Doncaster, then earl of Carlisle, and got an immense fortune from the crown; all of which he spent in a splendid and courtly manner. Ramsay obtained the title of Earl of Holderness; and many others, being raised, on a sudden, to the highest elevation, increased, by

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³ Kennet, p. 662.

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C H A P. XLV. their insolence, that envy, which naturally attended them, as strangers and ancient enemies.

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It must, however, be owned, in justice to James, that he left almost all the chief offices in the hands of Elizabeth's ministers, and trusted the conduct of political concerns, both foreign and domestic, to his English subjects. Among these, secretary Cecil, created successively Lord Effindon, Viscount Cranborne, and Earl of Salisbury, was always regarded as his prime minister and chief counsellor. Though the capacity and penetration of this minister were sufficiently known, his favor with the king created surprise on the accession of that monarch. The secret correspondence into which he had entered with James, and which had sensibly contributed to the easy reception of that prince in England, laid the foundation of Cecil's credit; and while all his former associates, Sir Walter Raleigh, lord Grey, lord Cobham, were discountenanced on account of their animosity against Essex, as well as for other reasons, this minister was continued in employment, and treated with the greatest confidence and regard.

THE capacity of James and his ministers in negociation was immediately put to trial, on the appearance of ambassadors from almost all the princes and states of Europe, in order to congratulate him on his accession, and to form with him new treaties and alliances. Beside ministers from Venice, Denmark, the Palatinate; Henry Frederic of Nassau, assisted by Barnevelt the Pensionary of

Holland, was ambassador from the states of the United Provinces. Aremberg was sent by Archduke Albert; and Taxis was expected in a little time from Spain. But he who most excited the attention of the public, both on account of his own merit and that of his master, was the marquis of Rosni, afterwards duke of Sully, prime minister and favorite of Henry IV. of France.

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WHEN the dominions of the house of Austria devolved on Philip II., all Europe was struck with terror; lest the power of a family, which had been raised by fortune, should now be carried to an immeasurable height, by the wisdom and conduct of this monarch. But never were apprehensions found in the event to be more groundless. Slow without prudence, ambitious without enterprise, false without deceiving any body, and refined without any true judgment; such was the character of Philip, and such the character, which, during his life-time, and after his death, he impressed on the Spanish councils. Revolted or depopulated provinces, discontented or indolent inhabitants, were the spectacles, which those dominions, lying in every climate of the globe, presented to Philip III. a weak prince, and to the duke of Lerma, a minister, weak and odious. But though military discipline, which still remained, was what alone gave some appearance of life and vigor to that languishing body; yet so great was the terror, produced by former power and ambition, that the reduction of the house of Austria was the object of

State of
Europe.

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C H A P. XLV. 1603. men's vows, throughout all the states of Christendom. It was not perceived, that the French empire, now united in domestic peace, and governed by the most heroic and most amiable prince, that adorns modern story, was become, of itself, a sufficient counterpoise to the Spanish greatness. Perhaps, that prince himself did not perceive it, when he proposed, by his minister, a league with James, in conjunction with Venice, the United Provinces, and the northern crowns; in order to attack the Austrian dominions on every side, and depress the exorbitant power of that ambitious family*. But the genius of the English monarch was not equal to such vast enterprises. The love of peace was his ruling passion; and it was his peculiar felicity, that the conjunctures of the times rendered the same object, which was agreeable to him, in the highest degree advantageous to his people.

Rosni's negotiations.

THE French ambassador, therefore, was obliged to depart from these extensive views, and to concert with James the means of providing for the safety of the United Provinces: Nor was this object altogether without its difficulties. The king, before his accession, had entertained scruples with regard to the revolt of the Low Countries; and being commonly open and sincere^s, he had, on many occasions, gone so far as to give to the Dutch the appellation of rebels^e: But having

* Sully's Memoirs. ^s La Boderie, vol. i. p. 120.

^e Winwood, vol. ii. p. 55.

conversed more fully with English ministers and courtiers, he found their attachment to that republic so strong, and their opinion of common interest so established, that he was obliged to sacrifice to politics his sense of justice; a quality, which, even when erroneous, is respectable as well as rare in a monarch. He therefore agreed with Rosni to support secretly the states-general, in concert with the king of France; lest their weakness and despair should oblige them to submit to their old master. The articles of the treaty were few and simple. It was stipulated, that the two kings should allow the Dutch to levy forces in their respective dominions; and should underhand remit to that republic the sum of 1,400,000 livres a-year for the pay of these forces. That the whole sum should be advanced by the king of France; but that the third of it should be deducted from the debt due by him to queen Elizabeth. And if the Spaniards attacked either of the princes, they agreed to assist each other; Henry with a force of ten thousand men, James with that of six. This treaty, one of the wisest and most equitable concluded by James, during the course of his reign, was more the work of the prince himself, than any of his ministers'.

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AMIDST the great tranquillity, both foreign and domestic, with which the nation was blest, nothing could be more surprising than the discovery of a conspiracy to subvert the govern-

Raleigh's
conspiracy.

' Sully's Memoirs.

C H A P. XLV. 1603. ment, and to fix on the throne Arabella Stuart, a near relation of the king's by the family of Lenox, and descended equally from Henry VII. Every thing remains still mysterious in this conspiracy; and history can give us no clue to unravel it. Watson and Clarke, two catholic priests, were accused of the plot: Lord Grey, a puritan: Lord Cobham, a thoughtless man, of no fixed principle: And Sir Walter Raleigh, suspected to be of that philosophical sect, who were then extremely rare in England, and who have since received the appellation of *free-thinkers*. Together with these, Mr. Broke, brother to lord Cobham, Sir Griffin Markham, Mr. Copeley, Sir Edward Parham. What cement could unite men of such discordant principles in so dangerous a combination; what end they proposed, or what means proportioned to an undertaking of this nature, has never yet been explained, and cannot easily be imagined. As Raleigh, Grey, and Cobham were commonly believed, after the queen's death, to have opposed proclaiming the king, till conditions should be made with him; they were upon that account extremely obnoxious to the court and ministry; and the people were apt, at first, to suspect, that the plot was merely a contrivance of secretary Cecil, to get rid of his old confederates, now become his most inveterate enemies. But the confession, as well as trial of the criminals, put the matter beyond doubt^s.

^s State Trials, p. 180, 2d edit. Winwood, vol. ii. p. 8. 11.

And though no one could find any marks of a concerted enterprize; it appeared, that men of furious and ambitious spirits, meeting frequently together, and believing all the world discontented like themselves, had entertained very criminal projects, and had even entered, some of them at least, into a correspondence with Aremberg, the Flemish ambassador, in order to give disturbance to the new settlement.

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THE two priests ⁹ and Broke ¹⁰ were executed: Cobham, Grey, and Markham were pardoned ¹¹, after they had laid their heads upon the block ¹². Raleigh too was reprieved, not pardoned; and he remained in confinement many years afterwards.

It appears from Sully's Memoirs, that Raleigh secretly offered his services to the French ambassador; and we may thence presume, that, meeting with a repulse from that quarter, he had recourse, for the same unwarrantable purposes, to the Flemish minister. Such a conjecture we are now enabled to form; but it must be confessed, that, on his trial, there appeared no proof of this transaction, nor indeed any circumstance which could justify his condemnation. He was accused by Cobham alone, in a sudden fit of passion, upon hearing, that Raleigh, when examined, had pointed out some circumstances, by which Cobham's guilt might be known and ascertained. This accusation Cobham afterwards retracted;

⁹ November 29. ¹⁰ December 5. ¹¹ December 5.

¹² Winwood, vol. ii. p. 11.

C H A P. and soon after, he retracted his retractation. Yet
 XLV. upon the written evidence of this single witness, a man of no honor or understanding, and so contradictory in his testimony; not confronted with Raleigh; not supported by any concurring circumstance; was that great man, contrary to all law and equity, found guilty by the jury. His name was at that time extremely odious in England; and every man was pleased to give sentence against the capital enemy of Essex, the favorite of the people.

SIR Edward Coke, the famous lawyer, then attorney-general, managed the cause for the crown, and threw out on Raleigh such gross abuse, as may be deemed a great reflection, not only on his own memory, but even, in some degree, on the manners of the age. Traitor, monster, viper, and spider of hell, are the terms, which he employs against one of the most illustrious men of the kingdom, who was under trial for life and fortune, and who defended himself with temper, eloquence, and courage¹³.

1604. THE next occupation of the king was entirely according to his heart's content. He was employed, in dictating magisterially to an assembly of divines concerning points of faith and discipline, and in receiving the applauses of these holy men for his superior zeal and learning. The religious disputes between the church and the puritans had induced him to call a conference

¹³ State Trials, 1st edit. p. 176, 177. 182.

at Hampton-court, on pretence of finding expedients, which might reconcile both parties.

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THOUGH the severities of Elizabeth towards the catholics had much weakened that party, whose genius was opposite to the prevailing spirit of the nation; like severities had had so little influence on the puritans, who were encouraged by that spirit, that no less than seven hundred and fifty clergymen of that party signed a petition to the king on his accession; and many more seemed willing to adhere to it¹⁴. They all hoped, that James, having received his education in Scotland, and having sometimes professed an attachment to the church, established there, would at least abate the rigor of the laws enacted in support of the ceremonies and against puritans; if he did not show more particular grace and encouragement to that sect. But the king's disposition had taken strongly a contrary bias. The more he knew the puritanical clergy, the less favor he bore to them. He had remarked in their Scottish brethren a violent turn towards republicanism, and a zealous attachment to civil liberty; principles nearly allied to that religious enthusiasm, with which they were actuated. He had found, that being mostly persons of low birth and mean education, the same lofty pretensions, which attended them in their familiar addresses to their Maker, of whom they believed themselves the peculiar favorites, induced them

¹⁴ Fuller, book 10. Collier, vol. ii. p. 672.

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to use the utmost freedoms with their earthly sovereign. In both capacities, of monarch and of theologian, he had experienced the little complaisance, which they were disposed to show him; whilst they controuled his commands, disputed his tenets, and to his face, before the whole people, censured his conduct and behaviour. If he had submitted to the indignity of courting their favor, he treasured up, on that account, the stronger resentment against them, and was determined to make them feel, in their turn, the weight of his authority. Though he had often met with resistance and faction and obstinacy in the Scottish nobility, he retained no ill-will to that order; or rather showed them favor and kindness in England, beyond what reason and sound policy could well justify: But the ascendant, which the presbyterian clergy had assumed over him, was what his monarchical pride could never thoroughly digest¹⁵.

He dreaded likewise the popularity, which attended this order of men in both kingdoms. As useless austerities and selfdenial are imagined, in many religions, to render us acceptable to a

¹⁵ James ventured to say in his Basilicon Doron, published while he was in Scotland: "I protest before the great God, and since I am here as upon my Testament, it is no place for me to lie in, that ye shall never find with any Highland or Borderer Thieves, greater ingratitude and more lies and vile perjuries, than with these fanatic spirits: And suffer not the principal of them to brook your land. *K. James's works*, p. 161.

benevolent Being, who created us solely for happiness, James remarked, that the rustic severity of these clergymen and of their whole sect had given them, in the eyes of the multitude, the appearance of sanctity and virtue. Strongly inclined himself to mirth and wine and sports of all kinds, he apprehended their censure for his manner of life, free and disengaged. And, being thus averse, from temper as well as policy, to the sect of puritans, he was resolved, if possible, to prevent its farther growth in England.

BUT it was the character of James's councils, throughout his whole reign, that they were more wise and equitable, in their end, than prudent and political, in the means. Though justly sensible, that no part of civil administration required greater care or a nicer judgment than the conduct of religious parties; he had not perceived, that, in the same proportion as this practical knowledge of theology is requisite, the speculative refinements in it are mean, and even dangerous in a monarch. By entering zealously into frivolous disputes, James gave them an air of importance and dignity, which they could not otherwise have acquired; and being himself involved in the quarrel, he could no longer have recourse to contempt and ridicule, the only proper method of appeasing it. The church of England had not yet abandoned the rigid doctrines of grace and predestination: The puritans had not yet separated themselves from the church, nor openly renounced episcopacy. Though the

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C H A P. spirit of the parties was considerably different, the only appearing subjects of dispute were concerning the cross in baptism, the ring in marriage, the use of the surplice, and the bowing at the name of Jesus. These were the mighty questions, which were solemnly agitated in the conference at Hampton-court, between some bishops and dignified clergymen on the one hand, and some leaders of the puritanical party on the other; the king and his ministers being present ¹⁶.

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1604.

Conference
at Hamp-
ton-court.

4th Jan.

THE puritans were here so unreasonable as to complain of a partial and unfair management of the dispute; as if the search after truth were in any degree the object of such conferences, and a candid indifference, so rare even among private inquirers in *philosophical* questions, could ever be expected among princes and prelates, in a *theological* controversy. The king, it must be confessed, from the beginning of the conference, showed the strongest propensity to the established church, and frequently inculcated a maxim, which, though it has some foundation, is to be received with great limitations, NO BISHOP, NO KING. The bishops, in their turn, were very liberal of their praises towards the royal disputant; and the archbishop of Canterbury said, that *undoubtedly his majesty spake by the special assistance of God's spirit* ¹⁷. A few alterations in the liturgy were agreed to, and both parties separated with mutual dissatisfaction.

¹⁶ Fuller's Ecclesiast. Hist.

¹⁷ Kennet, p. 665.

It had frequently been the practice of the puritans to form certain assemblies, which they called *propheesyings*; where alternately, as moved by the spirit, they displayed their zeal in prayers and exhortations, and raised their own enthusiasm, as well as that of their audience, to the highest pitch, from that social contagion, which has so mighty an influence on holy fervors, and from the mutual emulation, which arose in those trials of religious eloquence. Such dangerous societies had been suppressed by Elizabeth; and the ministers in this conference moved the king for their revival. But James sharply replied, *If you aim at a Scottish presbytery it agrees as well with monarchy as God and the devil. There Jack and Tom and Will and Dick shall meet and censure me and my council. Therefore I reiterate my former speech: Le Roi s'avisera. Stay, I pray, for one seven years before you demand; and then, if you find me grow purisy and fat, I may perchance hearken unto you. For that government will keep me in breath, and give me work enough*¹⁸. Such were the political considerations, which determined the king in his choice among religious parties.

THE next assembly, in which James displayed his learning and eloquence, was one that showed more spirit of liberty than appeared among his bishops and theologians. The parliament was now ready to assemble; being so long delayed on account of the plague, which had broken

A parliament.
ment.

19th March.

¹⁸ Fuller's Ecclesiast. Hist.
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C H A P. XLV. 1604. out in London, and raged to such a degree, that above 30,000 persons are computed to have died of it in a year; though the city contained at that time little more than 150,000 inhabitants.

THE speech which the king made on opening the parliament, fully displays his character, and proves him to have possessed more knowledge and better parts than prudence or any just sense of decorum and propriety ¹⁹. Though few productions of the age surpass this performance either in style or matter; it wants that majestic brevity and reserve, which becomes a king in his addresses to the great council of the nation. It contains, however, a remarkable stroke of candor, where he confesses his too great facility in yielding to the solicitations of suitors ²⁰: A fault, which he promises to correct, but which adhered to him, and distressed him, during the whole course of his reign.

THE first business, in which the commons were engaged, was of the utmost importance to the preservation of their privileges; and neither temper nor resolution were wanting in their conduct of it.

IN the former periods of the English government, the house of commons was of so small weight in the balance of the constitution, that little attention had been given, either by the

¹⁹ K. James's Works, p. 484. 485. &c. Journ. 22d March, 1603. Kennet, p. 668. ²⁰ K. James's Works, p. 495, 496.

crown, the people, or the house itself, to the choice and continuance of the members. It had been usual, after parliaments were prolonged beyond one session, for the chancellor to exert a discretionary authority, of issuing new writs to supply the place of any members, whom he judged incapable of attending, either on account of their employment, their sickness, or other impediment. This practice gave that minister, and consequently the prince, an unlimited power of modeling at pleasure the representatives of the nation; yet so little jealousy had it created, that the commons, of themselves, without any court-influence or intrigue, and contrary to some former votes of their own, confirmed it in the twenty-third of Elizabeth²¹. At that time, though some members, whose places had been supplied on account of sickness, having now recovered their health, appeared in the house, and claimed their seat; such was the authority of the chancellor, that, merely out of respect to him, his sentence was adhered to, and the new members were continued in their places. Here a most dangerous prerogative was conferred on the crown: But to show the genius of that age, or rather the channels in which power then ran, the crown put very little value on this authority; insomuch that two days afterwards, the chancellor, of himself, resigned it back to the commons, and gave them power to judge of a particular

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1604.

²¹ Journ. January 19, 1580.

C H A P. XLV. 1604. vacancy in their house. And when the question, concerning the chancellor's new writs, was again brought on the carpet towards the end of the session, the commons were so little alarmed at the precedent, that, though they re-admitted some old members, whose seats had been vacated, on account of slight indispositions, yet they confirmed the chancellor's sentence, in instances where the distemper appeared to have been dangerous and incurable²². Nor did they proceed any farther, in vindication of their privileges, than to vote, *that during the sitting of parliament, there do not, at any time, any writ go out for chusing or returning any member without the warrant of the house.* In Elizabeth's reign we may remark, and the reigns preceding, sessions of parliament were not usually the twelfth part so long as the vacations; and during the latter, the chancellor's power, if he pleased to exert it, was confirmed, at least left, by this vote, as unlimited and unrestrained as ever.

IN a subsequent parliament, the absolute authority of the queen was exerted in a manner still more open; and began for the first time to give alarm to the commons. New writs having been issued by the chancellor, when there was no vacancy, and a controversy arising upon that incident; the queen sent a message to the house, informing them, that it were impertinent for them to deal in such matters. These questions,

²² Journ. March 18, 1580. See farther D'Ewes, p. 430.

she said, belonged only to the chancellor; and she had appointed him to confer with the judges, in order to settle all disputes with regard to elections. The commons had the courage, a few days after, to vote "That it was a most perilous precedent, where two knights of a county were duly elected, if any new writ should issue out for a second election, without order of the house itself; that the discussing and adjudging of this and such like differences belonged only to the house; and that there should be no message sent to the lord chancellor, not so much as to inquire what he had done in the matter, because it was conceived to be a matter derogatory to the power and privilege of the house²³." This is the most considerable, and almost only instance of parliamentary liberty, which occurs during the reign of that princess.

OUTLAWS, whether on account of debts or crimes, had been declared by the judges²⁴, incapable of enjoying a seat in the house, where they must themselves be lawgivers; but this opinion of the judges had been frequently overruled. I find, however, in the case of Vaughan²⁵, who was questioned for an outlawry, that, having proved all his debts to have been contracted by suretiship, and to have been, most of them, honestly compounded, he was allowed, on account of these favorable circumstances, to keep

²³ D'Ewes, p. 397.

²⁴ 39 Henry vi.

²⁵ Journ. Feb. 8, 1580.

C H A P. his seat: Which plainly supposes, that, otherwise,
 XLV. it would have been vacated, on account of the
 1604. outlawry ²⁶.

WHEN James summoned this parliament, he issued a proclamation ²⁷; in which, among many general advices, which, like a kind tutor, he bestowed on his people, he strictly enjoins them not to chuse any outlaw for their representative. And he adds; *If any person take upon him the place of knight, citizen, or burghess, not being duly elected, according to the laws and statutes in that behalf provided, and according to the purport, effect, and true meaning of this our proclamation, then every person so offending to be fined or imprisoned for the same.* A proclamation here was plainly put on the same footing with a law, and that in so delicate a point as the right of elections: Most alarming circumstances, had there not been reason to believe, that this measure, being entered into so early in the king's reign, proceeded more from precipitation and mistake, than from any serious

²⁶ In a subsequent parliament, that of the 35th of the queen, the commons, after a great debate, expressly voted, that a person outlawed might be elected. D'Ewes, p. 518. But as the matter had been much contested, the king might think the vote of the house no law, and might esteem his own decision of more weight than theirs. We may also suppose, that he was not acquainted with this vote. Queen Elizabeth in her speech to her last parliament complained of their admitting outlaws, and represents that conduct of the house as a great abuse.

²⁷ Jan. 11, 1604. Rymer, tom. xvi. p. 561.

design of invading the privileges of parliament²⁸. C H A P.

SIR Francis Goodwin was chosen member for the county of Bucks; and his return, as usual, was made into chancery. The chancellor, pronouncing him an outlaw, vacated his seat, and issued writs for a new election²⁹. Sir John Fortescue was chosen in his place by the county: But the first act of the house was to reverse the chancellor's sentence, and restore Sir Francis to his seat. At the king's suggestion, the lords desired a conference on the subject; but were absolutely refused by the commons, as the question entirely regarded their own privileges³⁰. The commons, however, agreed to make a remonstrance to the king by the mouth of their speaker; in which they maintained that, though the returns were by form made into chancery, yet the sole right of judging with regard to elections belonged to the house itself, not to the chancellor³¹. James

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²⁸ The duke of Sully tells us, that it was a maxim of James, that no prince in the first year of his reign should begin any considerable undertaking. A maxim reasonable in itself, and very suitable to his cautious, not to say timid, character. The facility, with which he departed from this pretension, is another proof, that his meaning was innocent. But had the privileges of parliament been at that time exactly ascertained, or royal power fully limited, could such an imagination ever have been entertained by him as to think, that his proclamations could regulate parliamentary elections?

²⁹ Winwood, vol. ii. p. 18, 19.

³⁰ Journ. 26th

March, 1604.

³¹ Journ. 3d April. 1604.

C H A P. was not satisfied, and ordered a conference
 XLV. between the house and the judges, whose opinion
 1604. in this case was opposite to that of the commons. This conference, he said, he commanded as an *absolute* king³²; an epithet, we are apt to imagine, not very grateful to English ears, but one to which they had already been somewhat accustomed from the mouth of Elizabeth³³. He added, *That all their privileges were derived from his grant, and hoped they would not turn them against him*³⁴; a sentiment, which, from her conduct, it is certain, that princess had also entertained, and which was the reigning principle of her courtiers and ministers, and the spring of all her administration.

THE commons were in some perplexity. Their eyes were now opened, and they saw the consequences of that power, which had been assumed by the chancellor, and to which their predecessors had, in some instances, blindly submitted. *By this course, said a member, the free election of the counties is taken away, and none shall be chosen but such as shall please the king and council. Let us, therefore, with fortitude, understanding, and sincerity, seek to maintain our privilege. This cannot be construed any contempt in us, but merely a maintenance of our common rights, which our ancestors have left us, and which it is just and fit for us to transmit to our posterity*³⁵. Another said³⁶, *This may be called a*

³² See note [A] at the end of the volume.

³³ Camden in Kennet, p. 375. ³⁴ Journ. 29th March, 5th April, 1604. ³⁵ Journ. 30th March, 1604.

³⁶ Id. Ibid.

quo warranto to seize all our liberties. A chancellor, C H A P.
 added a third, by this course, may call a parliament XLV.
 consisting of what persons he pleases. Any suggestion, 1604.
 by any person, may be the cause of sending a new
 writ. It is come to this plain question, whether the
 chancery or parliament ought to have authority.³⁷

NOTWITHSTANDING this watchful spirit of liberty, which now appeared in the commons, their deference for majesty was so great, that they appointed a committee to confer with the judges before the king and council. There, the question of law began to appear, in James's eyes, a little more doubtful than he had hitherto imagined it; and in order to extricate himself with some honor, he proposed, that both Goodwin and Fortescue should be set aside, and a writ be issued, by warrant of the house, for a new election. Goodwin gave his consent; and the commons embraced the expedient; but in such a manner, that, while they showed their regard for the king, they secured for the future the free possession of their seats, and the right, which they claimed, of judging solely in their own elections and returns³⁸.

A POWER like this, so essential to the exercise of all their other powers, themselves so essential to public liberty, cannot fairly be deemed an encroachment in the commons; but must be regarded as an inherent privilege, happily rescued

³⁷ Journ. 30 March, 1604. ³⁸ See note [B] at the end of the volume.

C H A P. XLV. from that ambiguity, which the negligence of some former parliaments had thrown upon it.

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AT the same time, the commons, in the case of Sir Thomas Shirley, established their power of punishing, as well the persons at whose suit any member is arrested, as the officers, who either arrest or detain him. Their asserting of this privilege admits of the same reflection³⁹.

ABOUT this period, the minds of men, throughout Europe, especially in England, seem to have undergone a general, but insensible revolution. Though letters had been revived in the preceding age, they were chiefly cultivated by those sedentary professions; nor had they, till now, begun to spread themselves, in any degree, among men of the world. Arts, both mechanical and liberal, were every day receiving great improvements. Navigation had extended itself over the whole globe. Travelling was secure and agreeable. And the general system of politics, in Europe, was become more enlarged and comprehensive.

IN consequence of this universal fermentation, the ideas of men enlarged themselves on all sides; and the several constituent parts of the gothic governments, which seem to have lain long unactive, began, every where, to operate and encroach on each other. On the continent, where the necessity of discipline had begotten standing armies, the princes commonly established

³⁹ Journ. 6th and 7th May, 1604.

an unlimited authority, and overpowered, by force or intrigue, the liberties of the people. In England, the love of freedom, which, unless checked, flourishes extremely in all liberal natures, acquired new force, and was regulated by more enlarged views, suitably to that cultivated understanding, which became, every day, more common, among men of birth and education. A familiar acquaintance with the precious remains of antiquity excited in every generous breast a passion for a limited constitution, and begat an emulation of those manly virtues, which the Greek and Roman authors, by such animating examples, as well as pathetic expressions, recommend to us. The severe, though popular, government of Elizabeth had confined this rising spirit within very narrow bounds: But when a new and a foreign family succeeded to the throne, and a prince less dreaded and less beloved; symptoms immediately appeared of a more free and independent genius in the nation.

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HAPPILY this prince possessed neither sufficient capacity to perceive the alteration, nor sufficient art and vigor to check it in its early advances. Jealous of regal, because conscious of little personal authority, he had established within his own mind, a speculative system of absolute government, which few of his subjects, he believed, and none but traitors and rebels, would make any scruple to admit. On which-ever side he cast his eye, every thing concurred to encourage his prejudices. When he compared himself

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with the other hereditary sovereigns of Europe, he imagined, that, as he bore the same rank, he was entitled to equal prerogatives; not considering the innovations lately introduced by them, and the military force, by which their authority was supported. In England, that power, almost unlimited, which had been exercised for above a century, especially during the late reign, he ascribed solely to royal birth and title; not to the prudence and spirit of the monarchs, nor to the conjunctures of the times. Even the opposition, which he had struggled with in Scotland, encouraged him still farther in his favorite notions; while he there saw, that the same resistance, which opposed regal authority, violated all law and order, and made way, either for the ravages of a barbarous nobility, or for the more intolerable insolence of seditious preachers. In his own person, therefore, he thought all legal power to be centered, by an hereditary and a divine right: And this opinion might have proved dangerous, if not fatal, to liberty; had not the firmness of the persuasion, and its seeming evidence, induced him to trust solely to his right, without making the smallest provision either of force or politics, in order to support it.

SUCH were the opposite dispositions of parliament and prince, at the commencement of the Scottish line; dispositions just beginning to exist and to appear in the parliament⁴⁰, but thoroughly

⁴⁰ See note [C] at the end of the volume.

established and openly avowed on the part of C H A P.
the prince.

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THE spirit and judgment of the house of commons appeared, not only in defence of their own privileges, but also in their endeavour, though, at this time, in vain, to free trade from those shackles, which the high exerted prerogative, and even, in this respect, the ill-judged tyranny of Elizabeth, had imposed upon it.

JAMES had already, of his own accord, called in and annulled all the numerous patents for monopolies, which had been granted by his predecessor, and which extremely fettered every species of domestic industry: But the exclusive companies still remained; another species of monopoly, by which almost all foreign trade, except that to France, was brought into the hands of a few rapacious engrossers, and all prospect of future improvement in commerce was for ever sacrificed to a little temporary advantage of the sovereign. These companies, though arbitrarily erected, had carried their privileges so far, that almost all the commerce of England was centered in London; and it appears, that the customs of that port amounted to 110,000 l. a-year, while those of all the kingdom beside yielded only seventeen thousand⁴¹. Nay, the whole trade of London was confined to about 200 citizens⁴², who were easily enabled, by combining among themselves, to fix whatever price they pleased

⁴¹ Journ. 21 May, 1604.

⁴² Id. Ibid.

CHAP. both to the exports and imports of the nation. The
 XLV. committee, appointed to examine this enorm-
 1604. ous grievance, one of the greatest which we
 read of in English story, insist on it as a fact
 well known and avowed, however contrary to
 present received opinion, that shipping and seamen
 had sensibly decayed during all the preceding
 reign ⁴³. And though nothing be more common
 than complaints of the decay of trade even
 during the most flourishing periods; yet is this a
 consequence which might naturally result from
 such arbitrary establishments, at a time when
 the commerce of all the other nations of Europe,
 except that of Scotland, enjoyed full liberty and
 indulgence.

WHILE the commons were thus attempting
 to give liberty to the trading part of the nation,
 they also endeavoured to free the landed property
 from the burthen of wardships ⁴⁴, and to remove
 those remains of the feudal tenures, under which
 the nation still labored. A just regard was
 shown to the crown on the conduct of this affair;
 nor was the remedy, sought for, considered as
 a matter of right, but merely of grace and
 favor. The profit, which the king reaped both
 from wards and from respite of homage, was

⁴³ A remonstrance from the Trinity-house, in 1602, says, that in a little above twelve years, after 1588, the shipping and number of seamen in England decayed about a third. Anglesey's happy future state of England, p. 128. from Sir Julius Cæsar's collections. See Journ. 21 May, 1604.

⁴⁴ Journ. 1 June, 1604.

estimated; and it was intended to compound for these prerogatives by a secure and independent revenue. But after some debates in the house, and some conferences with the lords, the affair was found to contain more difficulties than could easily, at that time, be surmounted; and it was not then brought to any conclusion.

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THE same fate attended an attempt of a like nature, to free the nation from the burthen of purveyance. This prerogative had been much abused by the purveyors⁴⁵, and the commons showed some intention to offer the king fifty thousand pounds a-year for the abolition of it.

ANOTHER affair of the utmost consequence was brought before the parliament, where the commons showed a greater spirit of independence than any true judgment of national interest. The union of the two kingdoms was zealously, and even impatiently urged by the king⁴⁶. He justly regarded it as the peculiar felicity of his reign, that he had terminated the bloody animosities of these hostile nations, and had reduced the whole island under one government; enjoying tranquillity within itself, and security from all foreign invasions. He hoped, that, while his subjects of both kingdoms reflected on past disasters, besides regarding his person as infinitely precious, they would entertain the strongest desire of secur-

⁴⁵ Journ. 30 April, 1604.

⁴⁶ Journ. 21 April, 1 May, 1604. Parliamentary History, vol. v. p. 91.

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ing themselves against the return of like calamities, by a thorough union of laws, parliaments, and privileges. He considered not, that this very reflection operated, as yet, in a contrary manner, on men's prejudices, and kept alive that mutual hatred between the nations, which had been carried to the greatest extremities, and required time to allay it. The more urgent the king appeared in promoting so useful a measure, the more backward was the English parliament in concurring with him; while they ascribed his excessive zeal, to that partiality, in favor of his ancient subjects, of which they thought, that, on other occasions, they had reason to complain. Their complaisance for the king, therefore, carried them no farther than to appoint forty-four English to meet with thirty-one Scottish commissioners, in order to deliberate concerning the terms of a union; but without any power of making advances towards the establishment of it ⁴⁷.

THE same spirit of independence, and perhaps not better judgment, appeared in the house of commons, when the question of supply was brought before them, by some members, attached to the court. In vain was it urged, that, though the king received a supply, which had been voted to Elizabeth, and which had not been collected before her death; yet he found it burthened with a debt contracted by the queen, equal to the full amount of it: That peace was

⁴⁷ Journ. 7 June, 1604. Kennet, p. 673.

not yet thoroughly concluded with Spain, and that Ireland was still expensive to him: That on his journey from Scotland amidst such a concourse of people, and on that of the queen and royal family, he had expended considerable sums: And that, as the courtiers had looked for greater liberalities from the prince on his accession, and had imposed on his generous nature; so the prince, in his turn, would expect at the beginning, some mark of duty and attachment from his people, and some consideration of his necessities. No impression was made on the house of commons by these topics; and the majority appeared fully determined to refuse all supply. The burthen of government, at that time, lay surprisingly light upon the people: And that very reason, which to us, at this distance, may seem a motive of generosity, was the real cause why the parliament was, on all occasions, so remarkably frugal and reserved. They were not, as yet, accustomed to open their purses in so liberal a manner as their successors, in order to supply the wants of their sovereign; and the smallest demand, however requisite, appeared in their eyes unreasonable and exorbitant. The commons seem also to have been desirous of reducing the crown to still farther necessities, by their refusing a bill, sent down to them by the lords, for entailing the crown lands for ever on the king's heirs and successors⁴⁸. The dissipation, made by Elizabeth,

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⁴⁸ Parliamentary Hist. vol. v. p. 108.

C H A P. had probably taught James the necessity of this law, and shown them the advantage of refusing it.
 XLV.
 1604.

7th July.

IN order to cover a disappointment with regard to supply, which might bear a bad construction both at home and abroad, James sent a message to the house⁴⁹, in which he told them, that he desired no supply; and he was very forward in refusing what was never offered him. Soon after, he prorogued the parliament, not without discovering, in his speech, visible marks of dissatisfaction. Even so early in his reign, he saw reason to make public complaints of the restless and encroaching spirit of the puritanical party, and of the malevolence, with which they endeavoured to inspire the commons. Nor were his complaints without foundation, or the puritans without interest; since the commons, now finding themselves free from the arbitrary government of Elizabeth, made application for a conference with the lords, and presented a petition to the king; the purport of both which was to procure, in favor of the puritans, a relaxation of the ecclesiastical laws⁵⁰. The use of the surplice and of the cross in baptism is there chiefly complained of; but the remedy seems to have been expected solely from the king's dispensing

⁴⁹ Journ. 26 June, 1604.

⁵⁰ La Boderie, the French ambassador, says, that the house of commons was composed mostly of puritans, vol. i. p. 81.

power⁵¹. In the papers, which contain this application and petition, we may also see proofs of the violent animosity of the commons against the catholics, together with the intolerating spirit of that assembly⁵².

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THIS summer, the peace with Spain was finally concluded, and was signed by the Spanish ministers at London⁵³. In the conferences, previous to this treaty, the nations were found to have so few claims on each other, that, except on account of the support given by England to the Low Country provinces, the war might appear to have been continued more on account of personal animosity between Philip and Elizabeth, than any contrariety of political interests between their subjects. Some articles in the treaty, which seemed prejudicial to the Dutch commonwealth, were never executed by the king; and as the Spaniards made no complaints on that head, it appeared, that, by secret agreement, the king had expressly reserved the power of sending assistance to the Hollanders⁵⁴. The constable of Castile came into England to ratify the peace;

Peace with
Spain.
18th Aug.

⁵¹ Parliamentary History, vol. v. p. 98, 99, 100.

⁵² See note [D] at the end of the volume.

⁵³ Rymer, tom. xvi. p. 585. &c.

⁵⁴ Winwood, vol. ii. p. 27. 330. *et alibi*. In this respect James's peace was more honorable than that which Henry IV. himself made with Spain. This latter prince stipulated not to assist the Dutch; and the supplies, which he secretly sent them, were in direct contravention to the treaty.

C H A P. XLV. 1604. and on the part of England, the earl of Hertford was sent into the Low Countries for the same purpose, and the earl of Nottingham, high admiral, into Spain. The train of the latter was numerous and splendid; and the Spaniards, it is said, were extremely surprised, when they beheld the blooming countenances and graceful appearance of the English, whom their bigotry, inflamed by the priests, had represented as so many monsters and infernal dæmons.

THOUGH England, by means of her naval force, was perfectly secure, during the later years of the Spanish war, James showed an impatience to put an end to hostilities; and soon after his accession, before any terms of peace were concerted or even proposed by Spain, he recalled all the letters of marque⁵⁵, which had been granted by queen Elizabeth. Archduke Albert had made some advances of a like nature⁵⁶, which invited the king to take this friendly step. But what is remarkable, in James's proclamation for that purpose, he plainly supposes, that, as he had himself, while king of Scotland, always lived in amity with Spain, peace was attached to his person, and that merely by his accession to the crown of England, without any articles of treaty or agreement, he had ended the war between the kingdoms⁵⁷. This ignorance of the

⁵⁵ 23d of June, 1603.

⁵⁶ Grotii Annal. lib. 12.

⁵⁷ See proclamations during the first seven years of K. James. Winwood, vol. ii. p. 65.

law of nations may appear surprising in a prince, who was thirty-six years of age, and who had reigned from his infancy; did we not consider, that a king of Scotland, who lives in close friendship with England, has few transactions to manage with foreign princes, and has little opportunity of acquiring experience. Unhappily for James, his timidity, his prejudices, his indolence, his love of amusement, particularly of hunting, to which he was much addicted, ever prevented him from making any progress in the knowledge or practice of foreign politics, and in a little time diminished that regard, which all the neighbouring nations had paid to England, during the reign of his predecessor⁵⁸.

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⁵⁸ Mémoires de la Boderie, vol. i. p. 64. 181. 195. 217. 302. vol. ii. p. 244. 278.

C H A P. XLVI.

*Gunpowder conspiracy — A parliament — Truce
betwixt Spain and the United Provinces — A par-
liament — Death of the French King — Arminian-
ism — State of Ireland.*

C H A P.
XLVI.
1604.

WE are now to relate an event, one of the most memorable, that history has conveyed to posterity, and containing at once a singular proof both of the strength and weakness of the human mind; its widest departure from morals, and most steady attachment to religious prejudices. 'Tis the *Gunpowder treason* of which I speak; a fact as certain as it appears incredible.

Gunpowder
conspiracy.

THE Roman catholics had expected great favor and indulgence on the accession of James, both as he was descended from Mary, whose life they believed to have been sacrificed to their cause, and as he himself, in his early youth, was imagined to have shown some partiality towards them; which nothing, they thought, but interest and necessity had since restrained. It is pretended, that he had even entered into positive engagements to tolerate their religion, as soon as he should mount the throne of England; whether their credulity had interpreted in this sense some obliging expressions of the king's, or that he had employed such an artifice, in order

to render them favorable to his title^r. Very soon they discovered their mistake; and were at once surpris'd and enraged to find James, on all occasions, express his intention of strictly executing the laws enacted against them, and of persevering in all the rigorous measures of Elizabeth. Catesby, a gentleman of good parts and of an ancient family, first thought of a most extraordinary method of revenge; and he opened his intention to Piercy, a descendant of the illustrious house of Northumberland. In one of their conversations with regard to the distressed condition of the catholics, Piercy having broken into a fall of passion, and mentioned assassinating the king; Catesby took the opportunity of revealing to him a nobler and more extensive plan of treason, which not only included a sure execution of vengeance, but afforded some hopes of restoring the catholic religion in England. In vain, said he, would you put an end to the king's life: He has children, who would succeed both to his crown and to his maxims of government. In vain would you extinguish the whole royal family: The nobility, the gentry, the parliament are all infected with the same heresy, and could raise to the throne another prince and another family, who, besides their hatred to our religion, would be animated with revenge for the tragical death of their predecessors. To serve any good

C H A P.
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1604.

^r State Trials, vol. ii. p. 201, 202, 203. Winwood, vol. ii. p. 49.

O H A R.
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1604.

purpose, we must destroy, at one blow, the king, the royal family, the lords, the commons; and bury all our enemies in one common ruin. Happily, they are all assembled on the first meeting of the parliament; and afford us the opportunity of glorious and useful vengeance. Great preparations will not be requisite. A few of us, combining, may run a mine below the hall, in which they meet; and choosing the very moment when the king harangues both houses, consign over to destruction these determined foes to all piety and religion. Meanwhile, we ourselves standing aloof, safe and unsuspected, shall triumph in being the instruments of divine wrath, and shall behold with pleasure those sacrilegious walls, in which were passed the edicts for proscribing our church and butchering her children, tost into a thousand fragments; while their impious inhabitants, meditating perhaps still new persecutions against us, pass from flames above to flames below, there for ever to endure the torments due to their offences².

PIERCY was charmed with this project of Catesby; and they agreed to communicate the matter to a few more, and among the rest to Thomas Winter, whom they sent over to Flanders, in quest of Fawkes, an officer in the Spanish service, with whose zeal and courage they were all thoroughly acquainted. When they enlisted any new conspirator, in order to bind him to

² History of the Gunpowder Treason.

secrecy, they always, together with an oath, employed the Communion, the most sacred rite of their religion³. And it is remarkable, that no one of these pious devotees ever entertained the least compunction with regard to the cruel massacre, which they projected, of whatever was great and eminent in the nation. Some of them only were startled by the reflection, that of necessity many catholics must be present; as spectators or attendants on the king, or as having seats in the house of peers: But Tesmond, a jesuit, and Garnet, superior of that order in England, removed these scruples, and showed them how the interests of religion required, that the innocent should here be sacrificed with the guilty.

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1604.

ALL this passed in the spring and summer of the year 1604; when the conspirators also hired a house in Piercy's name, adjoining to that in which the parliament was to assemble. Towards the end of that year they began their operations. That they might be less interrupted, and give less suspicion to the neighbourhood, they carried in store of provisions with them, and never desisted from their labor. Obstinate in their purpose, and confirmed by passion, by principle, and by mutual exhortation, they little feared death in comparison of a disappointment; and having provided arms, together with the instruments of their labor, they resolved there to perish in case of a discovery. Their perseverance

³ State Trials, vol. i. p. 190. 198. 210.

C H A P. advanced the work ; and they soon pierced the
 XLVI. wall, though three yards in thickness ; but on
 1605. approaching the other side, they were somewhat
 startled at hearing a noise, which they knew not
 how to account for. Upon inquiry, they found,
 that it came from the vault below the house of
 lords ; that a magazine of coals had been kept
 there ; and that, as the coals were selling off,
 the vault would be let to the highest bidder.
 The opportunity was immediately seized ; the
 place hired by Percy ; thirty-six barrels of powder
 lodged in it ; the whole covered up with faggots
 and billets ; the doors of the cellar boldly flung
 open ; and every body admitted, as if it con-
 tained nothing dangerous.

CONFIDENT of success, they now began to
 look forward, and to plan the remaining part of
 their project. The king, the queen, prince
 Henry, were all expected to be present at the
 opening of parliament. The Duke, by reason
 of his tender age, would be absent ; and it was
 resolved, that Percy should seize him, or assassi-
 nate him. The princess Elizabeth, a child like-
 wise, was kept at Lord Harrington's house in
 Warwickshire ; and Sir Everard Digby, Rook-
 wood, Grant, being let into the conspiracy,
 engaged to assemble their friends, on pretence of
 a hunting match, and seizing that princess, im-
 mediately to proclaim her queen. So transported
 were they with rage against their adversaries,
 and so charmed with the prospect of revenge,
 that they forgot all care of their own safety ; and

trusting to the general confusion, which must result from so unexpected a blow, they foresaw not, that the fury of the people, now unrestrained by any authority, must have turned against them, and would probably have satiated itself, by an universal massacre of the catholics.

C H A P.

XLVI.

1605.

THE day, so long wished for, now approached, on which the parliament was appointed to assemble. The dreadful secret, though communicated to above twenty persons, had been religiously kept, during the space of near a year and a half. No remorse, no pity, no fear of punishment, no hope of reward, had, as yet, induced any one conspirator, either to abandon the enterprize, or make a discovery of it. The holy fury had extinguished in their breast every other motive; and it was an indiscretion at last, proceeding chiefly from these very bigotted prejudices and partialities, which saved the nation.

TEN days before the meeting of parliament, Lord Monteagle, a catholic, son to Lord Morley, received the following letter, which had been delivered to his servant by an unknown hand. *My Lord, Out of the love I bear to some of your friends, I have a care of your preservation. Therefore I would advise you, as you tender your life, to devise some excuse to shift off your attendance at this parliament. For God and man have concurred to punish the wickedness of this time. And think not slightly of this advertisement; but retire yourself into your country, where you may expect the event in safety. For, though there be no appearance of any stir, yet, I*

C H A P. *say, they will receive a terrible blow, this parliament,*
 XLVI. *and yet they shall not see who hurts them. This counsel*
 1605. *is not to be condemned, because it may do you good,*
and can do you no harm: For the danger is past,
as soon as you have burned the letter. And I hope
God will give you the grace to make good use of it,
unto whose holy protection I commend you^{}.*

MONTAGLE knew not what to make of this letter; and though inclined to think it a foolish attempt to frighten and ridicule him, he judged it safest to carry it to Lord Salisbury, secretary of state. Though Salisbury too was inclined to pay little attention to it, he thought proper to lay it before the king, who came to town a few days after. To the king it appeared not so light a matter; and from the serious earnest style of the letter, he conjectured, that it implied something dangerous and important. *A terrible blow, and yet the authors concealed; a danger so sudden, and yet so great;* these circumstances seemed all to denote some contrivance by gunpowder; and it was thought advisable to inspect all the vaults below the houses of parliament. This care belonged to the earl of Suffolk, Lord chamberlain; who purposely delayed the search, till the day before the meeting of parliament. He remarked those great piles of wood and faggots, which lay in the vault under the upper house; and he cast his eye upon Fawkes, who stood in a dark corner, and passed himself for Piercy's servant.

^{*} K. James's Works, p. 227.

That daring and determined courage, which so much distinguished this conspirator, even among those heroes in villany, was fully painted in his countenance, and was not passed unnoticed by the chamberlain⁵. Such a quantity also of fuel, for the use of one who lived so little in town as Piercy, appeared a little extraordinary⁶; and upon comparing all circumstances, it was resolved that a more thorough inspection should be made. About midnight, Sir Thomas Knevet, a justice of peace, was sent with proper attendants; and before the door of the vault, finding Fawkes, who had just finished all his preparations, he immediately seized him, and turning over the faggots, discovered the powder. The matches and every thing proper for setting fire to the train were taken in Fawkes's pocket; who finding his guilt now apparent, and seeing no refuge but in boldness and despair, expressed the utmost regret, that he had lost the opportunity, of firing the powder at once, and of sweetening his own death by that of his enemies⁷. Before the council, he displayed the same intrepid firmness, mixed even with scorn and disdain; refusing to discover his accomplices, and showing no concern but for the failure of the enterprise⁸. This obstinacy lasted two or three days: But being confined to the Tower, left to reflect on his guilt and danger, and the rack being just shown to

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1605.

⁵ K. James's Works, p. 229.⁶ Id. Ibid.⁷ Ibid. p. 230.⁸ Winwood, vol. ii. p. 173.

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1605.

him; his courage, fatigued with so long an effort, and unsupported by hope or society, at last failed him; and he made a full discovery of all the conspirators⁹.

CATESBY, Piercy, and the other criminals, who were in London, though they had heard of the alarm taken at the letter sent to Monteagle; though they had heard of the chamberlain's search; yet were resolved to persist to the utmost, and never abandon their hopes of success¹⁰. But at last, hearing that Fawkes was arrested, they hurried down to Warwickshire; where Sir Everard Digby, thinking himself assured, that success had attended his confederates, was already in arms, in order to seize the princess Elizabeth. She had escaped into Coventry; and they were obliged to put themselves on their defence against the country, who were raised from all quarters, and armed, by the sheriff. The conspirators, with all their attendants, never exceeded the number of eighty persons; and being surrounded on every side, could no longer entertain hopes, either of prevailing or escaping. Having therefore confessed themselves, and received absolution, they boldly prepared for death, and resolved to sell their lives as dear as possible to the assailants. But even this miserable consolation was denied them. Some of their powder took fire, and disabled them for defence¹¹. The people rushed in upon them.

⁹ K. James's Works, p. 231.

¹⁰ See note [E] at the end of the volume.

¹¹ State Trials, vol. i, p. 199. Discourse of the manner, &c. p. 69, 70.

Piercy and Catesby were killed by one shot. C H A P.
 Digby, Rookwood, Winter, and others, being XLVI.
 taken prisoners, were tried, confessed their guilt, 1605.
 and died, as well as Garnet, by the hands of
 the executioner. Notwithstanding this horrid
 crime, the bigotted catholics were so devoted to
 Garnet, that they fancied miracles to be wrought
 by his blood¹²; and in Spain he was regarded
 as a martyr¹³.

NEITHER had the desperate fortune of the con-
 spirators urged them to this enterprize, nor had
 the former profligacy of their lives prepared them
 for so great a crime. Before that audacious at-
 tempt, their conduct seems, in general, to be
 liable to no reproach. Catesby's character had
 entitled him to such regard, that Rookwood and
 Digby were seduced by their implicit trust in
 his judgment; and they declared, that, from
 the motive alone of friendship to him, they were
 ready, on any occasion, to have sacrificed their
 lives¹⁴. Digby himself was as highly esteemed
 and beloved as any man in England; and he
 had been particularly honored with the good
 opinion of Queen Elizabeth¹⁵. It was bigotted
 zeal alone, the most absurd of prejudices masqued
 with reason, the most criminal of passions covered
 with the appearance of duty, which seduced
 them into measures, that were fatal to themselves,

¹² Winwood, vol. ii. p. 300.

¹³ Id. Ibid. ¹⁴ State Trials, vol. i. p. 201.

¹⁵ Athen. Ox. vol. ii. fol. 254.

C H A P. and had so nearly proved fatal to their country¹⁶.

XLVI.

1605.

THE Lords Mordaunt and Stourton, two catholics, were fined, the former 10,000 pounds, the latter 4000, by the star-chamber; because their absence from parliament had begotten a suspicion of their being acquainted with the conspiracy. The earl of Northumberland was fined 30,000 pounds, and detained several years prisoner in the Tower; because, not to mention other grounds of suspicion, he had admitted Piercy into the number of gentlemen pensioners, without his taking the requisite oaths¹⁷.

THE king, in his speech to the parliament, observed, that, though religion had engaged the conspirators in so criminal an attempt, yet ought we not to involve all the Roman catholics in the same guilt, or suppose them equally disposed to commit such enormous barbarities. Many holy men, he said, and our ancestors among the rest, had been seduced to concur with that church in her scholastic doctrines; who yet had never admitted her seditious principles, concerning the pope's power of dethroning kings, or sanctifying

¹⁶ Digby, after his condemnation, said in a letter to his wife: "Now for my intention, let me tell you, that
" if I had thought there had been the least sin in the
" plot, I would not have been of it for all the world;
" and no other cause drew me, to hazard my fortune
" and life, but zeal to God's religion." He expresses his surprise to hear that any catholics had condemned it.
Digby's papers, published by Secretary Coventry.

¹⁷ Camden, in Kennet, p. 692.

assassination.

assassination. The wrath of heaven is denounced against crimes, but innocent error may obtain its favor; and nothing can be more hateful than the uncharitableness of the puritans, who condemn alike to eternal torments, even the most inoffensive partisans of popery. For his part, he added, that conspiracy, however atrocious, should never alter, in the least, his plan of government: While with one hand he punished guilt; with the other, he would still support and protect innocence¹⁸. After this speech, he prorogued the parliament, till the 22d of January¹⁹.

C H A P.
XLVI.
1606.

THE moderation, and, I may say, magnanimity, of the king, immediately after so narrow an escape from a most detestable conspiracy, was no wise agreeable to his subjects. Their animosity against popery, even before this provocation, had risen to a great pitch; and it had perhaps been more prudent in James, by a little dissimulation, to have conformed himself to it. His theological learning, confirmed by disputation, had happily fixed his judgment in the protestant faith; yet was his heart a little biased by the allurements of Rome, and he had been well pleased, if the making of some advances could

¹⁸ K. James's Works, p. 503, 504.

¹⁹ The parliament, this session, passed an act obliging every one to take the oath of allegiance: A very moderate test, since it decided no controverted points between the two religions, and only engaged the persons who took it to abjure the pope's power of dethroning king's. See K. James's Works, p. 250.

C H A P. have effected a union with that ancient mother-
 XLVI. church. He strove to abate the acrimony of his
 1606. own subjects against the religion of their fathers:
 He became himself the object of their diffidence
 and aversion. Whatever measures he embraced;
 in Scotland to introduce prelacy, in England to
 enforce the authority of the established church,
 and support its rites and ceremonies; were inter-
 preted as so many steps towards popery; and
 were represented by the puritans as symptoms of
 idolatry and superstition. Ignorant of the con-
 sequences, or unwilling to sacrifice to politics
 his inclination, which he called his conscience,
 he persevered in the same measures, and gave
 trust and preferment, almost indifferently, to his
 catholic and protestant subjects. And finding his
 person, as well as his title, less obnoxious to the
 church of Rome, than those of Elizabeth, he
 gradually abated the rigor of those laws, which
 had been enacted against that church, and which
 were so acceptable to his bigotted subjects. But
 the effects of these dispositions on both sides,
 became not very sensible, till towards the conclu-
 sion of his reign.

AT this time, James seems to have possessed
 the affections even of his English subjects, and,
 in a tolerable degree, their esteem and regard.
 Hitherto their complaints were chiefly levelled
 against his too great constancy in his early friend-
 ships; a quality, which, had it been attended
 with more œconomy, the wise would have
 excused, and the candid would even, perhaps,

have applauded. His parts, which were not C H A P.
despicable, and his learning, which was great, XLVI.
being highly extolled by his courtiers and gown- 1606.
men, and not yet tried in the management of
any delicate affairs, for which he was unfit, raised
a high idea of him in the world; nor was it
always through flattery or insincerity, that he
received the title of the second Solomon. A
report, which was suddenly spread about this
time, of his being assassinated, visibly struck a
great consternation into all orders of men ²⁰. A parlia-
The commons also abated, this session, somewhat ment.
of their excessive frugality, and granted him an
aid, payable in four years, of three subsidies and
six fifteenths, which, Sir Francis Bacon said in
the house ²¹, might amount to about four hundred
thousand pounds: And for once the king and
parliament parted in friendship and good humor.
The hatred which the catholics so visibly bore
him, gave him, at this time, an additional value
in the eyes of his people. The only considerable
point, in which the commons incurred his dis-
pleasure, was by discovering their constant good-
will to the puritans, in whose favor they de-
sired a conference with the lords ²²: Which
was rejected.

THE chief affair transacted next session, was November
the intended union of the two kingdoms ²³. 18.
Nothing could exceed the king's passion and zeal for

²⁰ Kennet, p. 696. ²¹ Journ. 20th May, 1606.

²² Journ. 5th April, 1606, ²³ Kennet, p. 676.

C H A P. this noble enterprize, but the parliament's prejudice and reluctance against it. There remain two
 XLVI. excellent speeches in favor of the union, which
 1606. it would not be improper to compare together; that of the king²⁴, and that of Sir Francis Bacon. Those, who affect in every thing such an extreme contempt for James, will be surpris'd to find, that his discourse, both for good reasoning and elegant composition, approaches very near that of a man, who was undoubtedly, at that time, one of the greatest geniuses in Europe. A few trivial indiscretions and indecorums may be said to characterize the harangue of the monarch, and mark it for his own. And in general, so open and avowed a declaration in favor of a measure, while he had taken no care, by any precaution or intrigue, to ensure success, may safely be pronounced an indiscretion. But the art of managing parliaments, by private interest or cabal, being found hitherto of little use or necessity, had not, as yet, become a part of English politics. In the common course of affairs, government could be conducted without their assistance; and when their concurrence became necessary to the measures of the crown, it was, generally speaking, except in times of great faction and discontent, obtained without much difficulty.

THE king's influence seems to have rendered the Scottish parliament cordial in all the steps, which they took towards the union. Though the

²⁴ K. James's Works, p. 509.

advantages, which Scotland might hope from that measure, were more considerable; yet were the objections too, with regard to that kingdom, more striking and obvious. The benefit which must have resulted to England, both by accession of strength and security, was not despicable; and as the English were, by far the greater nation, and possessed the seat of government, the objections, either from the point of honor or from jealousy, could not reasonably have any place among them. The English parliament indeed seem to have been swayed merely by the vulgar motive of national antipathy. And they persisted so obstinately in their prejudices, that all the efforts for a thorough union and incorporation ended only in the abolition of the hostile laws, formerly enacted between the kingdoms ²⁵.

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XLVI.
1606.

SOME precipitate steps, which the king, a little after his accession, had taken, in order to promote his favorite project, had been here observed to do more injury than service. From his own authority, he had assumed the title of king of Great Britain; and had quartered the arms of Scotland, with those of England, in all

²⁵ The commons were even so averse to the union, that they had complained in the former session to the lords, of the bishop of Bristol, for writing a book in favor of it, and the prelate was obliged to make submissions for this offence. The crime imputed to him seems to have consisted in his treating of a subject, which lay before the parliament. So little notion had they as yet of general liberty! See Parliamentary History, vol. v. p. 108, 109, 110.

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1606.

coins, flags, and ensigns. He had also engaged the judges to make a declaration, that all those, who, after the union of the crowns, should be born in either kingdom, were, for that reason alone, naturalized in both. This was a nice question, and, according to the ideas of those times, susceptible of subtle reasoning on both sides. The king was the same; The parliaments were different. To render the people therefore the same, we must suppose, that the sovereign authority resided chiefly in the prince, and that these popular assemblies were rather instituted to assist with money and advice, than endowed with any controuling or active powers in the government. *It is evident, says Bacon in his pleadings on this subject, that all other commonwealths, monarchies only excepted, do subsist by a law precedent. For where authority is divided amongst many officers, and they not perpetual, but annual or temporary, and not to receive their authority but by election, and certain persons to have voices only in that election, and the like; these are busy and curious frames, which of necessity do presuppose a law precedent, written or unwritten, to guide and direct them: But in monarchies, especially hereditary, that is, when several families or lineages of people do submit themselves to one line, imperial or royal; the submission is more natural and simple; which afterwards, by law subsequent, is perfected, and made more formal: but that is grounded upon nature*²⁶. It would seem

²⁶ Bacon's Works, vol. iv. p. 190, 191. Edit. 1730.

from this reasoning, that the idea of a *hereditary, limited* monarchy, though implicitly supposed in many public transactions, had scarcely ever, as yet, been expressly formed by any English lawyer or politician.

C H A P.
XLVI.

EXCEPT the obstinacy of the parliament with regard to the union, and an attempt on the king's ecclesiastical jurisdiction²⁷, most of their measures, during this session, were sufficiently respectful and obliging: though they still discover a vigilant spirit, and a careful attention towards national liberty. The votes also of the commons show, that the house contained a mixture of puritans, who had acquired great authority among them²⁸, and who, together with religious prejudices, were continually suggesting ideas, more suitable to a popular than a monarchical form of government. The natural appetite for rule made the commons lend a willing ear to every doctrine: which tended to augment their own power and influence.

A PETITION was moved in the lower house for a more rigorous execution of the laws against popish recusants, and an abatement towards protestant clergymen, who scrupled to observe the ceremonies. Both these points were equally unacceptable to the king; and he sent orders to the house to proceed no farther in that matter. The

1607.

²⁷ Journ. 2 December, 5 March, 1606. 25, 26 June, 1607.

²⁸ Journ. 26 February, 4, 7 March, 1606. 2 May, 17 June, 1607.

C H A P. commons were inclined, at first, to consider these
 XLVI. orders as a breach of privilege: But they soon
 1607. acquiesced, when told, that this measure of the
 king's, was supported by many precedents,
 during the reign of Elizabeth ²⁹. Had they been
 always disposed to make the precedents of that
 reign the rule of their conduct, they needed never
 have had any quarrel with any of their monarchs.

5th June. THE complaints of Spanish depredations were
 very loud among the English merchants ³⁰. The
 lower house sent a message to the lords, desiring
 a conference with them, in order to their pre-
 senting a joint petition to the king on the subject.
 The lords took some time to deliberate on this
 message; because, they said, the matter was
weighty and rare. It probably occurred to them,
 at first, that the parliament's interposing in affairs
 of state would appear unusual and extraordinary.
 And to show, that in this sentiment they were
 not guided by court-influence; after they had
 deliberated, they agreed to the conference.

THE house of commons began now to feel
 themselves of such importance, that on the
 motion of Sir Edwin Sandys, a member of great
 authority, they entered, for the first time, an
 order for the regular keeping of their journals ³¹.
 When all business was finished, the king pro-
 rogued the parliament.

ABOUT this time, there was an insurrection of

²⁹ Journ. 16, 17 June, 1607. ³⁰ Journ. 25 Feb. 1606.

³¹ Journ. 3 July, 1607.

the country people in Northamptonshire, headed by one Reynolds, a man of low condition. They went about destroying enclosures; but carefully avoided committing any other outrage. This insurrection was easily suppressed, and, though great lenity was used towards the rioters, yet were some of the ringleaders punished. The chief cause of that trivial commotion seems to have been, of itself, far from trivial. The practice still continued in England of disusing tillage, and throwing the land into enclosures for the sake of pasture. By this means, the kingdom was depopulated, at least, prevented from increasing so much in people, as might have been expected from the daily increase of industry and commerce.

NEXT year presents us with nothing memorable: But in the spring of the subsequent, after a long negociation, was concluded, by a truce of twelve years, that war, which for near half a century had been carried on with such fury between Spain and the states of the United Provinces. Never contest seemed, at first, more unequal: Never contest was finished with more honor to the weaker party. On the side of Spain were numbers, riches, authority, discipline: On the side of the revolted provinces were found the attachment to liberty and the enthusiasm of religion. By her naval enterprizes the republic maintained her armies; and joining peaceful industry to military valor, she was enabled, by her own force, to support herself, and gradually rely less on those neighbouring princes, who, from jealousy to

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XLVI.

4th of July

1608.

1609.

Truce between Spain and the United Provinces.

C H A P. Spain, were at first prompted to encourage her
 XLVI. revolt. Long had the pride of that monarchy
 1609. prevailed over her interest, and prevented her
 from hearkening to any terms of accommodation
 with her rebellious subjects. But finding all inter-
 course cut off between her provinces by the
 maritime force of the states, she at last agreed to
 treat with them as a free people, and solemnly to
 renounce all claim and pretension to their so-
 vereignty.

March 30. THIS chief point being gained, the treaty was
 easily brought to a conclusion, under the joint
 mediation and guarantee of France and England.
 All exterior appearances of honor were paid
 equally to both crowns: But very different were
 the sentiments, which the states, as well as all
 Europe, entertained of the princes, who wore
 them. Frugality and vigor, the chief circum-
 stances which procure regard among foreign
 nations, shone out as conspicuously in Henry as
 they were deficient in James. To a contempt of
 the English monarch, Henry seems to have added
 a considerable degree of jealousy and aversion,
 which were sentiments altogether without found-
 ation. James was just and fair in all transactions
 with his allies³², but it appears from the memoirs

³² The plan of accommodation which James recommended
 is found in Winwood, vol. ii. p. 429, 430; and is the same
 that was recommended by Henry, as we learn from Jeanin,
 tom. iii. p. 416, 417. It had long been imagined by historians
 from Jeanin's authority, that James had declared to the
 court of Spain that he would not support the Dutch in

of those times, that each side deemed him partial towards their adversary, and fancied, that he had entered into secret measures against them³³. So little equity have men in their judgments of their own affairs, and so dangerous is that entire neutrality affected by the king of England!

THE little concern, which James took in foreign affairs, renders the domestic occurrences, particularly those of parliament, the most interesting of his reign. A new session was held this spring; the king full of hopes of receiving supply; the commons, of circumscribing his prerogative. The earl of Salisbury, now created treasurer, on the death of the earl of Dorset, laid open the king's necessities, first to the peers, then to a committee of the lower house³⁴. He insisted on the unavoidable expense incurred, in supporting the navy and in suppressing a late insurrection in Ireland: He mentioned three numerous courts, which the king was obliged to maintain, for himself, for the queen, and for the prince of Wales: He observed, that queen Elizabeth, though a single woman, had received very large supplies, in the years preceding her death, which alone were expensive to her: And he remarked, that,

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Feb. 9.
A parliament.

their pretensions to liberty and independence. But it has since been discovered by Winwood's Memorials, vol. ii. p. 456. 466. 469. 475, 476. that that report was founded on a lie of president Richardot's.

³³ Winwood, and Jeanin, *passim*.

³⁴ Journ. 17 Feb. 1609. Kennet, p. 681.

C H A P. XLVI. 1610. during her reign, she had alienated many of the crown lands; an expedient, which, though it supplied her present necessities, without laying burthens on her people, extremely multiplied the necessities of her successor. From all these causes he thought it nowise strange, that the king's income should fall short so great a sum as eighty-one thousand pounds of his stated and regular expence; without mentioning contingences, which ought always to be esteemed a fourth of the yearly charges. And as the crown was now necessarily burthened with a great and urgent debt of 300,000 pounds, he thence inferred the absolute necessity of an immediate and large supply from the people. To all these reasons, which James likewise urged in a speech addressed to both houses, the commons remained inexorable. But not to shock the king with an absolute refusal, they granted him one subsidy and one fifteenth; which would scarcely amount to a hundred thousand pounds. And James received the mortification of discovering, in vain, all his wants, and of begging aid of subjects, who had no reasonable indulgence or consideration for him.

21th March.

AMONG the many causes of disgust and quarrel, which now daily and unavoidably multiplied between prince and parliament, this article of money is to be regarded as none of the least considerable. After the discovery and conquest of the West-Indies, gold and silver became every day more plentiful in England, as well as in the rest of Europe; and the price of all com-

modities and provisions rose to a height beyond what had been known, since the declension of the Roman empire. As the revenue of the crown rose not in proportion³⁵, the prince was insensibly reduced to poverty amidst the general riches of his subjects, and required additional funds, in order to support the same magnificence and force, which had been maintained by former monarchs. But while money thus flowed into England, we may observe, that, at the same time, and probably from that very cause, arts and industry of all kinds received a mighty increase; and elegance in every enjoyment of life became better known, and more cultivated among all ranks of people. The king's servants, both civil and military, his courtiers, his ministers, demanded more ample supplies from the impoverished prince, and were not contented with the same simplicity of living, which had satisfied their ancestors. The prince himself began to regard an increase of pomp and splendor as requisite to support the dignity of his character, and to preserve the same superiority above his subjects, which his predecessors had enjoyed. Some equality too, and proportion to the other sovereigns of Europe, it was natural for him to desire; and as they had universally enlarged their revenue and multiplied their taxes,

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1610.

³⁵ Besides the great alienation of the crown-lands, the free-farm rents never increased, and the other lands were let on long leases and at a great undervalue, little or nothing above the old rent.

C H A P. the king of England deemed it reasonable, that
 XLVI. his subjects, who were generally as rich as theirs
 1610. should bear with patience some additional burthens
 and impositions.

UNHAPPILY for the king, those very riches, with the increasing knowledge of the age, bred opposite sentiments in his subjects; and begetting a spirit of freedom and independence, disposed them to pay little regard, either to the entreaties or menaces of their sovereign. While the barons possessed their former immense property and extensive jurisdictions, they were apt, at every disgust, to endanger the monarch and throw the whole government into confusion: But this confusion often, in its turn, proved favorable to the monarch, and made the nation again submit to him, in order to re-establish justice and tranquillity. After the power of alienations, as well as the increase of commerce had thrown the balance of property into the hands of the commons, the situation of affairs and the dispositions of men became susceptible of a more regular plan of liberty; and the laws were not supported singly by the authority of the sovereign. And though in that interval, after the decline of the peers and before the people had yet experienced their force, the princes assumed an exorbitant power, and had almost annihilated the constitution under the weight of their prerogative; as soon as the commons recovered from their lethargy, they seem to have been astonished at the danger, and were

resolved to secure liberty by firmer barriers, than their ancestors had hitherto provided for it.

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1610.

HAD James possessed a very rigid frugality, he might have warded off this crisis somewhat longer; and waiting patiently for a favorable opportunity to increase and fix his revenue, might have secured the extensive authority, transmitted to him. On the other hand, had the commons been inclined to act with more generosity and kindness towards their prince, they might probably have turned his necessities to good account, and have bribed him to depart peaceably from the more dangerous articles of his prerogative. But he was a foreigner, and ignorant of the arts of popularity; they were soured by religious prejudices and tenacious of their money: And, in this situation, it is no wonder, that, during this whole reign, we scarcely find an interval of mutual confidence and friendship between prince and parliament.

THE king, by his prerogative alone, had, some years before, altered the rates of the customs, and had established higher impositions on several kinds of merchandize. This exercise of power will naturally, to us, appear arbitrary and illegal; yet, according to the principles and practices of that time, it might admit of some apology. The duties of tonnage and poundage were at first granted to the crown, by a vote of parliament, and for a limited time; and as the grant frequently expired and was renewed, there could not then arise any doubt concerning the origin of the king's

CHAP. right to levy these duties; and this imposition,
 XLVI. like all others, was plainly derived from the
 1610. voluntary consent of the people. But as Henry
 V. and all the succeeding sovereigns, had the
 revenue conferred on them for life, the prince,
 so long in possession of these duties, began gra-
 dually to consider them as his own proper right
 and inheritance, and regarded the vote of parlia-
 ment as a mere formality, which rather expressed
 the acquiescence of the people in his prerogative,
 than bestowed any new gift of revenue upon
 him.

THE parliament, when it first granted pound-
 age to the crown, had fixed no particular rates:
 The imposition was given as a shilling in a pound,
 or five *per cent.* on all commodities: It was left
 to the king himself, and the privy council, aid-
 ed by the advice of such merchants as they should
 think proper to consult, to fix the value of goods,
 and thereby the rates of the customs: And as
 that value had been settled before the discovery
 of the West-Indies, it was become much inferior
 to the prices, which almost all commodities bore
 in every market in Europe; and consequently,
 the customs on many goods, though supposed
 to be five *per cent.* was in reality much inferior.
 The king, therefore, was naturally led to think,
 that rates, which were now plainly false, ought
 to be corrected³⁶; that a valuation of commodi-
 ties, fixed by one act of the privy council, might

³⁶ Winwood, vol. ii. p. 438.

be amended by another ; that if his right to poundage were inherent in the crown, he should also possess, of himself, the right of correcting its inequalities; if this duty were granted by the people, he should at least support the spirit of the law, by fixing a new and a juster valuation of all commodities. But besides this reasoning, which seems plausible, if not solid, the king was supported in that act of power by direct precedents, some in the reign of Mary, some in the beginning of Elizabeth³⁷. Both these princesses had, without consent of parliament, altered the rates of commodities; and as their impositions had, all along, been submitted to without a murmur, and still continued to be levied, the king had no reason to apprehend, that a farther exertion of the same authority would give any occasion of complaint. That less umbrage might be taken, he was moderate in the new rates, which he established: The customs, during his whole reign, rose only from 127,000 pounds a-year to 190,000; though, besides the increase of the rates, there was a sensible increase of commerce and industry during that period: Every commodity, besides, which might serve to the subsistence of the people, or might be considered as a material of manufactures, was exempted from the new impositions of James³⁸: But all

³⁷ Journ. 18th April, 5th and 10th May, 1614, &c. 20th February, 1625. See also Sir John Davis's question concerning impositions, p. 127, 128.

³⁸ Sir John Davis's question concerning impositions.

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this caution could not prevent the complaints of the commons. A spirit of liberty had now taken possession of the house: The leading members, men of an independent genius and large views, began to regulate their opinions, more by the future consequences which they foresaw, than by the former precedents which were set before them; and they less aspired at maintaining the ancient constitution, than at establishing a new one, and a freer, and a better. In their remonstrances to the king on this occasion, they observed it to be a general opinion, *That the reasons of that practice might be extended much farther, even to the utter ruin of the ancient liberty of the kingdom, and the subjects' right of property in their lands and goods*³⁹. Though expressly forbidden by the king to touch his prerogative, they passed a bill abolishing these impositions; which was rejected by the house of lords.

IN another address to the king, they objected to the practice of borrowing upon privy seals, and desired, that the subjects should not be forced to lend money to his majesty, or give a reason for their refusal. Some murmurs likewise were thrown out in the house against a new monopoly of the licence of wines⁴⁰. It must be confessed, that forced loans and monopolies were established on many and ancient as well as recent

³⁹ Journ. 23 May, 1610. ⁴⁰ Parliament. Hist. vol. v. p. 241.

precedents; though diametrically opposite to all the principles of a free government⁴¹.

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THE house likewise discovered some discontent against the king's proclamations. James told them, *That though he well knew, by the constitution and policy of the kingdom, that proclamations were not of equal force with laws; yet he thought it a duty incumbent on him, and a power inseparably annexed to the crown, to restrain and prevent such mischiefs and inconveniences as he saw growing on the state, against which no certain law was extant, and which might tend to the great detriment of the subject, if there should be no remedy provided till the meeting of a parliament. And this prerogative, he adds, our progenitors have, in all times, used and enjoyed*⁴². The intervals between sessions, we may observe, were frequently so long, as to render it necessary for a prince to interpose by his prerogative. The legality of this exertion was established by uniform and undisputed practice; and was even acknowledged by lawyers, who made, however, this difference between laws and proclamations, that the authority of the former was perpetual, that of the latter expired with the sovereign who emitted them⁴³. But what the authority could be, which bound the subject, yet was different from the authority of laws and inferior to it, seems inexplicable by any maxims of reason

⁴¹ See note [F] at the end of the volume.

⁴² Parliament. Hist. vol. v. p. 250.

⁴³ Journ: 12 May, 1624.

C H A P. or politics : And in this instance, as in many
 XLVI. others, it is easy to see, how inaccurate the
 1610. English constitution was, before the parliament
 was enabled, by continued acquisitions or en-
 croachments, to establish it on fixed principles of
 liberty.

UPON the settlement of the reformation, that
 extensive branch of power, which regards eccle-
 siastical matters, being then without an owner,
 seemed to belong to the first occupant; and Henry
 VIII. failed not immediately to seize it, and to
 exert it even to the utmost degree of tyranny.
 The possession of it was continued with Edward;
 and recovered by Elizabeth; and that ambitious
 princess was so remarkably jealous of this flower
 of her crown, that she severely reprimanded the
 parliament, if they ever presumed to intermeddle
 in these matters; and they were so over-awed
 by her authority, as to submit, and to ask pardon
 on these occasions. But James's parliaments were
 much less obsequious. They ventured to lift
 up their eyes, and to consider this prerogative.
 They there saw a large province of government,
 possessed by the king alone, and scarcely ever
 communicated with the parliament. They were
 sensible, that this province admitted not of any
 exact boundary or circumscription. They had
 felt, that the Roman pontiff, in former ages,
 under pretence of religion, was gradually making
 advances to usurp the whole civil power. They
 dreaded still more dangerous consequences from
 the claims of their own sovereign, who resided

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among them, and who, in many other respects, possessed such unlimited authority. They therefore deemed it absolutely necessary to circumscribe this branch of prerogative, and accordingly, in the preceding session, they passed a bill against the establishment of any ecclesiastical canons without consent of parliament⁴⁴. But the house of lords, as is usual, defended the barriers of the throne, and rejected the bill.

IN this session, the commons, after passing a-new the same bill, made remonstrances against the proceedings of the *high commission court*⁴⁵. It required no great penetration to see the extreme danger to liberty, arising in a regal government, from such large discretionary powers, as were exercised by that court. But James refused compliance with the application of the commons. He was probably sensible, that, besides the diminution of his authority, many inconveniences must necessarily result from the abolishing of all discretionary power in every magistrate; and that the laws, were they ever so carefully framed and digested, could not possibly provide against every contingency; much less, where they had not, as yet, attained a sufficient degree of accuracy and refinement.

BUT the business, which chiefly occupied the commons, during this session, was the abolition of wardships and purveyance; prerogatives,

⁴⁴ Journ. 2d, 11th December; 5th March, 1606.

⁴⁵ Parliament. Hist. vol. v. p. 247. Kennet, p. 681.

C H A P. which had been more or less touched on, every
 XLVI. session, during the whole reign of James. In
 1610. this affair, the commons employed the proper
 means, which might entitle them to success:
 They offered the king a settled revenue as an
 equivalent for the powers, which he should
 part with; and the king was willing to hearken
 to terms. After much dispute, he agreed to give
 up these prerogatives for 200,000 pounds a-year,
 which they agreed to confer upon him⁴⁶. And

⁴⁶ We learn from Winwood's Memorials, vol. ii. p. 193.
 the reason assigned for this particular sum. "From thence
 " my lord treasurer came to the price; and here he said,
 " that the king would no more rise and fall like a mer-
 " chant. That he would not have a flower of his crown
 " (meaning the court of wards) so much tossed; that it
 " was too dainty to be so handled: And then he said,
 " that he must deliver the very countenance and character
 " of the king's mind out of his own hand-writing: Which,
 " before he read, he said he would acquaint us with a
 " pleasant conceit of his majesty. As concerning the
 " number of ninescore thousand pounds, which was our
 " number he could not affect, because nine was the
 " number of the poets, who were always beggars, though
 " they served so many muses; and eleven was the number
 " of the apostles, when the traitor, Judas, was away; and
 " therefore might best be affected by his majesty: But
 " there was a mean number, which might accord us both;
 " and *that was ten*: Which, says my lord treasurer, is
 " a sacred number; for so many were God's command-
 " ments, which tend to virtue and edification." If the
 commons really voted 20,000 pounds a-year more, on
 account of this *pleasant conceit* of the king and the trea-
 surer, it was certainly the best paid wit, for its goodness,
 that ever was in the world.

nothing remained, towards closing the bargain, but that the commons should determine the funds, by which this sum should be levied. This session was too far advanced to bring so difficult a matter to a full conclusion; and though the parliament met again, towards the end of the year, and resumed the question, they were never able to terminate an affair, upon which they seemed so intent. The journals of that session are lost; and, as the historians of this reign are very negligent in relating parliamentary affairs, of whose importance they were not sufficiently apprized, we know not exactly the reason of this failure. It only appears, that the king was extremely dissatisfied with the conduct of the parliament, and soon after dissolved it. This was his first parliament, and it sat near seven years.

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AMIDST all these attacks, some more, some less violent, on royal prerogative, the king displayed, as openly as ever, all his exalted notions of monarchy and the authority of princes. Even in a speech to the parliament, where he begged for supply, and where he should naturally have used every art to ingratiate himself with that assembly, he expressed himself in these terms:

“ I conclude, then, the point, touching the
 “ power of kings, with this axiom of divinity,
 “ that, as to dispute *what God may do*, is blas-
 “ phemy, but *what God wills*, that divines may
 “ lawfully and do ordinarily dispute and discuss;
 “ so is it sedition in subjects to dispute what a
 “ king may do in the height of his power. But

CHAP. XLVI. 1610. "just kings will ever be willing to declare
 " what they will do, if they will not incur the
 " curse of God. I will not be content, that my
 " power be disputed upon; but I shall ever be
 " willing to make the reason appear of my doings,
 " and rule my actions according to *my* laws⁴⁷."

Notwithstanding the great extent of prerogative in that age, these expressions would probably give some offence. But we may observe, that, as the king's despotism was more speculative than practical, so the independence of the commons was, at this time, the reverse; and, though strongly supported by their present situation as well as disposition, was too new and recent to be as yet founded on systematical principles and opinions⁴⁸.

3d May.
 Death of
 the French
 king.

THIS year was distinguished by a memorable event, which gave great alarm and concern in England; the murder of the French monarch by the poniard of the fanatical Ravallac. With his death, the glory of the French monarchy suffered an eclipse for some years; and as that kingdom fell under an administration weak and bigotted, factious and disorderly, the Austrian greatness began a-new to appear formidable to Europe. In England, the antipathy to the catholics revived a little upon this tragical event; and some of the laws, which had formerly been enacted, in order to keep these religionists in

⁴⁷ K. James's Works, p. 531.

⁴⁸ See note [G] at the end of the volume.

awe, began now to be executed with greater rigor and severity⁴⁹.

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THOUGH James's timidity and indolence fixed him, during most of his reign, in a very prudent inattention to foreign affairs, there happened, this year, an event in Europe of such mighty consequence as to rouse him from his lethargy, and summon up all his zeal and enterprize. A professor of divinity, named Vorstius, the disciple of Arminius, was called from a German to a Dutch university; and as he differed from his Britannic Majesty in some nice questions concerning the intimate essence and secret decrees of God, he was considered as a dangerous rival in scholastic fame, and was, at last, obliged to yield to the legions of that royal doctor, whose syllogisms he might have refuted or eluded. If vigor was wanting in other incidents in James's reign, here he behaved even with haughtiness and insolence; and the states were obliged, after several remonstrances, to deprive Vorstius of his chair, and to banish him their dominions⁵⁰. The king carried no farther his animosity against that professor; though he had very charitably hinted to the states, *That, as to the burning of Vorstius for his blasphemies and atheism, he left them to their own Christian wisdom; but surely never heretic better deserved the flames*⁵¹. It is to be remarked, that, at this period, all over Europe, except

Arminian-
ism.

⁴⁹ Kennet, p. 684. ⁵⁰ Ibid. p. 715.

⁵¹ K. James's Works, p. 355.

CHAP. in Holland alone, the practice of burning heretics
 XLVI. still prevailed, even in protestant countries; and
 1611. instances were not wanting in England, during
 the reign of James.

TO consider James in a more advantageous light, we must take a view of him as the legislator of Ireland; and most of the institutions, which he had framed for civilizing that kingdom, being finished about this period, it may not here be improper to give some account of them. He frequently boasts of the management of Ireland as his master-piece; and it will appear, upon inquiry, that his vanity, in this particular, was not altogether without foundation.

State of
 Ireland.

AFTER the subjection of Ireland by Elizabeth, the more difficult task still remained; to civilize the inhabitants, to reconcile them to laws and industry, and to render their subjection durable and useful to the crown of England. James proceeded in this work by a steady, regular, and well-concerted plan; and in the space of nine years, according to Sir John Davis, he made greater advances towards the reformation of that kingdom, than had been made in the 440 years, which had elapsed since the conquest was first attempted⁵².

It was previously necessary to abolish the Irish customs, which supplied the place of laws, and which were calculated to keep that people for ever in a state of barbarism and disorder.

⁵² P. 259. edit. 1613.

By the *Brehon* law or custom, every crime, however enormous, was punished, not with death, but by a fine or pecuniary mulct, which was levied upon the criminal. Murder itself, as among all the ancient barbarous nations, was atoned for in this manner; and each man, according to his rank, had a different rate or value affixed to him, which, if any one were willing to pay, he needed not fear assassinating his enemy. This rate was called his *eric*. When Sir William Fitzwilliams being lord deputy, told Maguire, that he was to send a sheriff into Fermannah, which, a little before, had been made a county, and subjected to the English law; *Your sheriff, said Maguire, shall be welcome to me: But, let me know, beforehand, his eric, or the price of his head, that, if my people cut it off, I may levy the money upon the county* ⁵³. As for oppression, extortion, and other trespasses, so little were they regarded, that no penalty was affixed to them, and no redress for such offences could ever be obtained.

THE customs of *Gavelkinde* and *Tanistry* were attended with the same absurdity in the distribution of property. The land, by the custom of *Gavelkinde*, was divided among all the males of the sept or family, both bastard and legitimate: And, after partition made, if any of the sept died, his portion was not shared out among his sons; but the chieftain, at his discretion, made

⁵³ Sir John Davis, p. 166.

C H A P. a new partition of all the lands, belonging to
 XLVI. that sept, and gave every one his share ⁵⁴. As
 1612. no man, by reason of this custom, enjoyed the
 fixed property of any land; to build, to plant,
 to enclose, to cultivate, to improve, would have
 been so much lost labor.

THE chieftains and the Tanists, though drawn from the principal families, were not hereditary, but were established by election, or more properly speaking, by force and violence. Their authority was almost absolute; and, notwithstanding that certain lands were assigned to the office, its chief profit resulted from exactions, dues, assessments, for which there was no fixed law, and which were levied at pleasure ⁵⁵. Hence arose that common byword among the Irish, *That they dwelt westward of the law, which dwelt beyond the river of the Barrow*: Meaning the country, where the English inhabited, and which extended not beyond the compass of twenty miles, lying in the neighbourhood of Dublin ⁵⁶.

AFTER abolishing these Irish customs, and substituting English law in their place; James, having taken all the natives under his protection, and declared them free citizens, proceeded to govern them by a regular administration, military as well as civil.

A SMALL army was maintained, its discipline inspected, and its pay transmitted from England,

⁵⁴ Sir John Davis, p. 167.

⁵⁵ Ibid. p. 173.

⁵⁶ Ibid. p. 237.

in order to keep the foldiers from preying upon the country, as had been ufual in former reigns. When Odoghartie raifed an infurrection, a reinforcement was fent over, and the flames of that rebellion were immediately extinguifhed.

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ALL minds being firft quieted by a general indemnity⁵⁷; circuits were eftablifhed, juftice adminiftered, oppreffion banifhed, and crimes and diforders of every kind feverely punifhed⁵⁸. As the Irish had been univerfally engaged in the rebellion againft Elizabeth, a refignation of all the rights, which had been formerly granted them to feparate jurifdictions, was rigoroufly exacted; and no authority, but that of the king and the law, was permitted throughout the kingdom⁵⁹.

A refignation of all private eftates was even required; and when they were reftored, the proprietors received them under fuch conditions as might prevent, for the future, all tyranny and oppreffion over the common people. The value of the dues, which the nobles ufually claimed from their vaffals, was eftimated at a fixed fum, and all farther arbitrary exactions prohibited under fevere penalties⁶⁰.

THE whole province of Ulfter having fallen to the crown by the attainder of rebels, a company was eftablifhed in London, for planting new colonies in that fertile country: The property

⁵⁷ Sir John Davis, p. 263. ⁵⁸ Ibid. p. 264, 265, &c.

⁵⁹ Ibid. p. 276.

⁶⁰ Ibid. p. 278.

C H A P. was divided into moderate shares, the largest
XLVI. not exceeding 2000 acres: Tenants were brought
1612. over from England and Scotland: The Irish
 were removed from the hills and fastnesses, and
 settled in the open country: Husbandry and
 the arts were taught them: A fixed habitation
 secured: Plunder and robbery punished: And,
 by these means, Ulster, from being the most
 wild and disorderly province of all Ireland,
 soon became the best cultivated and most civil-
 ized ⁶¹.

SUCH were the arts, by which James intro-
 duced humanity and justice among the people,
 who had ever been buried in the most profound
 barbarism. Noble cares! much superior to the
 vain and criminal glory of conquests; but requir-
 ing ages of perseverance and attention to perfect
 what had been so happily begun.

A LAUDABLE act of justice was, about this
 time, executed in England upon lord Sanquhir,
 a Scottish nobleman, who had been guilty of the
 base assassination of Turner, a fencing-master. The
 English nation, who were generally dissatisfied
 with the Scots, were enraged at this crime,
 equally mean and atrocious; but James appeased
 them, by preferring the severity of law to the
 intercession of the friends and family of the
 criminal ⁶².

⁶¹ Sir John Davis, p. 280.

⁶² Kennet, p. 688.

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Death of Prince Henry — Marriage of the Princess Elizabeth with the Palatine — Rise of Somerset — His marriage — Overbury poisoned — Fall of Somerset — Rise of Buckingham — Cautionary towns delivered — Affairs of Scotland.

THIS year the sudden death of Henry, prince of Wales, diffused an universal grief throughout the nation. Though youth and royal birth, both of them strong allurements, prepossess men mightily in favor of the early age of princes; it is with peculiar fondness, that historians mention Henry: And, in every respect, his merit seems to have been extraordinary. He had not reached his eighteenth year, and he already possessed more dignity in his behaviour, and commanded more respect, than his father, with all his age, learning and experience. Neither his high fortune, nor his youth, had seduced him into any irregular pleasures: Business and ambition seem to have been his sole passion. His inclinations, as well as exercises, were martial. The French ambassador, taking leave of him, and asking his commands for France, found him employed in the exercise of the pike; *Tell your king*, said he, *in what occupation*

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Nov. 6th,

Death of

Prince

Henry.

C H A P. *you left me engaged* ¹. He had conceived great
 XLVII. affection and esteem for the brave Sir Walter
 1612. Raleigh. It was his saying, *Sure no king but my
 father would keep such a bird in a cage* ². He seems
 indeed to have nourished too violent a contempt
 for the king, on account of his pedantry and
 pusillanimity; and by that means struck in with
 the restless and martial spirit of the English nation.
 Had he lived, he had probably promoted the
 glory, perhaps not the felicity, of his people.
 The unhappy prepossession, which men com-
 monly entertain in favor of ambition, courage,
 enterprize, and other warlike virtues, engages
 generous natures, who always love fame, into
 such pursuits as destroy their own peace, and
 that of the rest of mankind.

VIOLENT reports were propagated, as if Henry
 had been carried off by poison; but the physicians,
 on opening his body, found no symptoms to
 confirm such an opinion ³. The bold and cri-
 minal malignity of men's tongues and pens spared
 not even the king on the occasion. But that
 prince's character seems rather to have failed in
 the extreme of facility and humanity, than in

¹ The French monarch had given particular orders to his
 ministers to cultivate the prince's friendship; who must soon,
 said he, have chief authority in England, where the king
 and queen are held in so little estimation. See *Dép. de
 la Boderie*, vol. i. p. 402. 415. vol. ii. p. 16. 349.

² Coke's detection, p. 37.

³ Kennet, p. 690. Coke, p. 37. Welwood, p. 272.
 that

that of cruelty and violence. His indulgence to Henry was great, and perhaps imprudent, by giving him a large and independent settlement, even in so early youth.

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THE marriage of the princess Elizabeth, with Frederic, Elector Palatine, was finished some time after the death of the prince, and served to dissipate the grief, which arose on that melancholy event. But this marriage, though celebrated with great joy and festivity, proved, itself, an unhappy event to the king, as well as to his son-in-law, and had ill consequences on the reputation and fortunes of both. The Elector, trusting to so great an alliance, engaged in enterprises beyond his strength: And the king, not being able to support him in his distress, lost entirely, in the end of his life, what remained of the affections and esteem of his own subjects.

Febr. 14.
Marriage of
the Princess
Elizabeth
with the
Palatine.

EXCEPT during sessions of parliament, the history of this reign may more properly be called the history of the court than that of the nation. An interesting object had, for some years, engaged the attention of the court: It was a favorite, and one beloved by James with so profuse and unlimited an affection, as left no room for any rival or competitor. About the end of the year 1609, Robert Carre, a youth of twenty years of age, and of a good family in Scotland, arrived in London, after having passed some time in his travels. All his natural accomplishments consisted in good looks: All his acquired abilities, in an easy air and graceful demeanor. He had letters

Rise of Somerset.

C H A P. of recommendation to his countryman lord Hay;
 XLVII. and that nobleman no sooner cast his eye upon
 1613. him, than he discovered talents sufficient to entitle him immediately to make a great figure in the government. Apprized of the king's passion for youth, and beauty, and exterior appearance, he studied how matters might be so managed that this new object should make the strongest impression upon him. Without mentioning him at court, he assigned him the office, at a match of tilting, of presenting to the king his buckler and device; and hoped that he would attract the attention of the monarch. Fortune proved favorable to his design, by an incident, which bore, at first, a contrary aspect. When Carre was advancing to execute his office, his unruly horse flung him, and broke his leg in the king's presence. James approached him with pity and concern: Love and affection arose on the sight of his beauty and tender years; and the prince ordered him immediately to be lodged in the palace, and to be carefully attended. He himself, after the tilting, paid him a visit in his chamber, and frequently returned during his confinement. The ignorance and simplicity of the boy finished the conquest, begun by his exterior graces and accomplishments. Other princes have been fond of chusing their favorites from among the lower ranks of their subjects, and have reposed themselves on them with the more unreserved confidence and affection, because the object has been beholden to their bounty for every honor and

acquisition: James was desirous that his favorite should also derive from him all his sense, experience, and knowledge. Highly conceited of his own wisdom, he pleased himself with the fancy, that this raw youth, by his lessons and instructions, would, in a little time, be equal to his sagest ministers, and be initiated into all the profound mysteries of government, on which he set so high a value. And as this kind of creation was more perfectly his own work than any other, he seems to have indulged an unlimited fondness for his minion, beyond even that which he bore to his own children. He soon knighted him, created him Viscount Rochester, gave him the garter, brought him into the privy-council, and, though at first without assigning him any particular office, bestowed on him the supreme direction of all his business and political concerns. Agreeable to this rapid advancement in confidence and honor, were the riches heaped upon the needy favorite; and while Salisbury and all the wisest ministers could scarcely find expedients sufficient to keep in motion the overburthened machine of government, James, with unsparing hand, loaded with treasures this insignificant and useless pageant^{*}.

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It is said, that the king found his pupil so ill educated, as to be ignorant even of the lowest rudiments of the Latin tongue; and that the monarch, laying aside the sceptre, took the birch

^{*} Kennet, p. 685, 686, &c.

C H A P. XLVII. 1613. into his royal hand, and instructed him in the principles of grammar. During the intervals of this noble occupation, affairs of state would be introduced; and the stripling, by the ascendant which he had acquired, was now enabled to repay in political what he had received in grammatical instruction. Such scenes, and such incidents, are the more ridiculous, though the less odious, as the passion of James seems not to have contained in it any thing criminal or flagitious. History charges herself willingly with a relation of the great crimes, and still more with that of the great virtues of mankind; but she appears to fall from her dignity, when necessitated to dwell on such frivolous events and ignoble personages.

THE favorite was not, at first, so intoxicated with advancement, as not to be sensible of his own ignorance and inexperience. He had recourse to the assistance and advice of a friend; and he was more fortunate in his choice, than is usual with such pampered minions. In Sir Thomas Overbury he met with a judicious and sincere counsellor, who, building all hopes of his own preferment on that of the young favorite, endeavoured to instil into him the principles of prudence and discretion. By zealously serving every body, Carre was taught to abate the envy, which might attend his sudden elevation: By showing a preference for the English, he learned to escape the prejudices, which prevailed against his country. And so long as he was content to be ruled by Overbury's friendly counsels, he

enjoyed, what is rare, the highest favor of the prince, without being hated by the people.

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To complete the measure of courtly happiness, nought was wanting but a kind mistress; and, where high fortune concurred with all the graces of youth and beauty, this circumstance could not be difficult to attain. But it was here that the favorite met with that rock, on which all his fortunes were wrecked, and which plunged him for ever into an abyss of infamy, guilt, and misery.

No sooner had James mounted the throne of England, than he remembered his friendship for the unfortunate families of Howard and Devereux, who had suffered for their attachment to the cause of Mary and to his own. Having restored young Essex to his blood and dignity, and conferred the titles of Suffolk and Northampton on two brothers of the house of Norfolk, he sought the farther pleasure of uniting these families by the marriage of the earl of Essex with lady Frances Howard, daughter of the earl of Suffolk. She was only thirteen, he fourteen years of age; and it was thought proper, till both should attain the age of puberty, that he should go abroad, and pass some time in his travels^s. He returned into England after four years absence, and was pleased to find his countess in the full lustre of beauty, and possessed of the love and admiration of the whole court. But, when the earl approached,

^s Kennet, p. 686.

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and claimed the privileges of a husband, he met with nothing but symptoms of aversion and disgust, and a flat refusal of any farther familiarities. He applied to her parents, who constrained her to attend him into the country, and to partake of his bed: But nothing could overcome her rigid fullness and obstinacy; and she still rose from his side, without having shared the nuptial pleasures. Disgusted with re-iterated denials, he at last gave over the pursuit, and separating himself from her, thenceforth abandoned her conduct to her own will and discretion.

SUCH coldness and aversion in lady Essex, arose not without an attachment to another object. The favorite had opened his addresses, and had been too successful in making impression on the tender heart of the young countess⁶. She imagined, that, so long as she refused the embraces of Essex, she never could be deemed his wife, and that a separation and divorce might still open the way for a new marriage with her beloved Rochester⁷. Though their passion was so violent, and their opportunities of intercourse so frequent, that they had already indulged themselves in all the gratifications of love, they still lamented their unhappy fate, while the union between them was not entire and indissoluble. And the lover, as well as his mistress, was impatient, till their mutual ardor should be crowned by marriage.

So momentous an affair could not be concluded

⁶ Kennet, p. 687.

⁷ State Trials, vol. i. p. 228.

without consulting Overbury, with whom Rochester was accustomed to share all his secrets. While that faithful friend had considered his patron's attachment to the countess of Essex merely as an affair of gallantry, he had favored its progress; and it was partly owing to the ingenious and passionate letters which he dictated, that Rochester had met with such success in his addresses. Like an experienced courtier, he thought, that a conquest of this nature would throw a lustre on the young favorite, and would tend still farther to endear him to James, who was charmed to hear of the amours of his court, and listened with attention to every tale of gallantry. But great was Overbury's alarm, when Rochester mentioned his design of marrying the Countess; and he used every method to dissuade his friend from so foolish an attempt. He represented, how invidious, how difficult an enterprise to procure her a divorce from her husband: How dangerous, how shameful, to take into his own bed a profligate woman, who, being married to a young nobleman of the first rank, had not scrupled to prostitute her character, and to bestow favors on the object of a capricious and momentary passion. And, in the zeal of friendship, he went so far as to threaten Rochester, that he would separate himself for ever from him, if he could so far forget his honor and his interest as to prosecute the intended marriage^s.

^s State Trials, vol. i. p. 235, 236. 252. Franklyn, p. 142

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ROCHESTER had the weakness to reveal this conversation to the Countess of Essex; and when her rage and fury broke out against Overbury, he had also the weakness to enter into her vindictive projects, and to swear vengeance against his friend, for the utmost instance, which he could receive, of his faithful friendship. Some contrivance was necessary for the execution of their purpose. Rochester addressed himself to the king; and after complaining, that his own indulgence to Overbury had begotten in him a degree of arrogance, which was extremely disagreeable, he procured a commission for his embassy to Russia; which he represented as a retreat for his friend, both profitable and honorable. When consulted by Overbury, he earnestly dissuaded him from accepting this offer, and took on himself the office of satisfying the king, if he should be any-wise displeased with the refusal⁹. To the king again, he aggravated the insolence of Overbury's conduct, and obtained a warrant for committing him to the Tower, which James intended as a slight punishment for his disobedience. The lieutenant of the Tower was a creature of Rochester's, and had lately been put into the office for this very purpose: He confined Overbury so strictly, that the unhappy prisoner was debarred the sight even of his nearest relations; and no communication of any kind was

April 21st.

⁹ State Trials, vol. i. p. 236, 237, &c.

allowed with him, during near six months, which he lived in prison. C H A P.
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THIS obstacle being removed, the lovers pursued their purpose; and the king himself, forgetting the dignity of his character, and his friendship for the family of Essex, entered zealously into the project of procuring the Countess a divorce from her husband. Essex also embraced the opportunity of separating himself from a bad woman, by whom he was hated; and he was willing to favor their success by any honorable expedient. The pretence for a divorce was his incapacity to fulfil the conjugal duties; and he confessed, that, with regard to the Countess, he was conscious of such an infirmity, though he was not sensible of it with regard to any other woman. In her place too, it is said, a young virgin was substituted under a mask, to undergo the legal inspection by a jury of matrons. After such a trial, seconded by court-influence, and supported by the ridiculous opinion of fascination or witchcraft, the sentence of divorce was pronounced between the Earl of Essex and his Countess¹⁰. And, to crown the scene, the king, solicitous lest the lady should lose any rank by her new marriage, bestowed on his minion the title of Earl of Somerset. 1613.

NOTWITHSTANDING this success, the Countess of Somerset was not satisfied, till she should

¹⁰ State Trials, vol. i. p. 223, 224, &c. Franklyn's Annals, p. 2, 3, &c.

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1613.

Overbury
poisoned.
16th Sept.

farther satiate her revenge on Overbury; and she engaged her husband, as well as her uncle, the Earl of Northampton, in the atrocious design of taking him off secretly by poison. Fruitless attempts were re-iterated by weak poisons; but at last, they gave him one so sudden and violent, that the symptoms were apparent to every one, who approached him¹¹. His interment was hurried on with the greatest precipitation; and, though a strong suspicion immediately prevailed in the public, the full proof of the crime was not brought to light, till some years after.

THE fatal catastrophe of Overbury increased or begot the suspicion, that the prince of Wales had been carried off by poison, given him by Somerset. Men considered not, that the contrary inference was much juster. If Somerset was so great a novice in this detestable art, that, during the course of five months, a man, who was his prisoner, and attended by none but his emissaries, could not be dispatched but in so bungling a manner; how could it be imagined, that a young prince, living in his own court, surrounded by his own friends and domestics, could be exposed to Somerset's attempts, and be taken off by so subtle a poison, if such a one exist, as could elude the skill of the most experienced physicians?

THE ablest minister that James ever possessed, the Earl of Salisbury, was dead¹²: Suffolk, a

¹¹ Kennet, p. 693. State Trials, vol. i. p. 233, 234, &c.

¹² 14th of May, 1612.

man of slender capacity, had succeeded him in his office: And it was now his task to supply, from an exhausted treasury, the profusion of James and of his young favorite. The title of baronet, invented by Salisbury, was sold; and two hundred patents of that species of knight-hood, were disposed of for so many thousand pounds: Each rank of nobility had also its price affixed to it¹³: Privy seals were circulated to the amount of 200,000 pounds: Benevolences were exacted to the amount of 52,000 pounds¹⁴: And some monopolies of no great value, were erected. But all these expedients proved insufficient to supply the king's necessities; even though he began to enter into some schemes for retrenching his expenses¹⁵. However small the hopes of success, a new parliament must be summoned, and this dangerous expedient, for such it was now become, once more be put to trial.

WHEN the commons were assembled, they discovered an extraordinary alarm, on account of the rumor, which was spread abroad concerning *undertakers*¹⁶. It was reported, that several persons, attached to the king, had entered into a confederacy; and having laid a regular plan for the new elections, had distributed their interest all over England, and had undertaken

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1614.
5th April.
A parliament.

¹³ Franklyn, p. 11. 33.

¹⁴ Ibid. p. 10.

¹⁵ Ibid. p. 49. ¹⁶ Parliam. Hist. vol. v. p. 286. Kennet, p. 696. Journ. 12 April, 2d May, 1614, &c. Franklyn, p. 48.

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1614.

to secure a majority for the court. So ignorant were the commons, that they knew not this incident to be the first infallible symptom of any regular or established liberty. Had they been contented to follow the maxims of their predecessors, who, as the earl of Salisbury said to the last parliament, never, but thrice in six hundred years, refused a supply¹⁷; they needed not dread, that the crown should ever interest itself in their elections. Formerly, the kings even insisted, that none of their household should be elected members; and, though the charter was afterwards declared void, Henry VI. from his great favor to the city of York, conferred a peculiar privilege on its citizens, that they should be exempted from this trouble¹⁸. It is well known, that, in ancient times, a seat in the house being considered as a burthen, attended neither with honor nor profit, it was requisite for the counties and boroughs to pay fees to their representatives. About this time, a seat began to be regarded as an honor, and the country-gentlemen contended for it;

¹⁷ Journ. 17 Feb. 1609. It appears, however, that Salisbury was somewhat mistaken in this fact: And if the kings were not oftener refused supply by the parliament, it was only because they would not often expose themselves to the hazard of being refused: But it is certain that English parliaments did anciently carry their frugality to an extreme, and seldom could be prevailed upon to give the necessary support to government.

¹⁸ Coke's Institutes, part. 4. chap. 1. of charters of exemption.

though the practice of levying wages for the parliament-men was not altogether discontinued. It was not till long after, when liberty was thoroughly established, and popular assemblies entered into every branch of public business, that the members began to join profit to honor, and the crown found it necessary to distribute among them all the considerable offices of the kingdom.

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1614.

So little skill or so small means had the courtiers, in James's reign, for managing elections, that this house of commons showed rather a stronger spirit of liberty than the foregoing; and instead of entering upon the business of supply, as urged by the king, who made them several liberal offers of grace¹⁹, they immediately resumed the subject, which had been opened last parliament, and disputed his majesty's power of levying new customs and impositions, by the mere authority of his prerogative. It is remarkable, that, in their debates on this subject, the courtiers frequently pleaded, as a precedent, the example of all the other hereditary monarchs in Europe, and particularly mentioned the kings of France and Spain; nor was this reasoning received by the house, either with surprise or indignation²⁰. The members of the opposite party, either contented themselves with denying the justness of the inference, or they disputed the truth of the observation²¹. And a patriot

¹⁹ Journ. 11 April, 1614. ²⁰ Journ. 21 May, 1614.

²¹ Journ. 12, 21 May, 1614.

C H A P. member in particular, Sir Roger Owen, even in
 XLVII. arguing against the impositions, frankly allowed,
 1614. that the king of England was endowed with as
 ample a power and prerogative as any prince
 in Christendom²². The nations on the continent,
 we may observe, enjoyed still, in that age, some
 small remains of liberty; and the English were
 possessed of little more.

6th June.

THE commons applied to the lords for a conference with regard to the new impositions. A speech of Neile, bishop of Lincoln, reflecting on the lower house, begat some altercation with the peers²³; and the king seized the opportunity of dissolving immediately, with great indignation, a parliament, which had shown so firm a resolution of retrenching his prerogative, without communicating, in return, the smallest supply to his necessities. He carried his resentment so far as even to throw into prison some of the members, who had been the most forward in their opposition to his measures²⁴. In vain did he plead, in excuse for this violence, the example of Elizabeth and other princes of the line of Tudor, as well as Plantagenet. The people and the parliament, without abandoning for ever all their liberties and privileges, could acquiesce in none of these precedents, how ancient and frequent soever. And were the authority of such

²² Journ. 18 April, 1614.

²³ See note [H] at the end of the volume.

²⁴ Kennet, p. 699.

precedents admitted, the utmost, that could be inferred is, that the constitution of England, was, at that time, an inconsistent fabric, whose jarring and discordant parts must soon destroy each other, and from the dissolution of the old, beget some new form of civil government, more uniform and consistent.

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1614.

In the public and avowed conduct of the king and the house of commons, throughout this whole reign, there appears sufficient cause of quarrel and mutual disgust; yet are we not to imagine, that this was the sole foundation of that jealousy which prevailed between them. During debates in the house, it often happened, that a particular member, more ardent and zealous than the rest, would display the highest sentiments of liberty, which the commons contented themselves to hear with silence and seeming approbation; and the king, informed of these harangues concluded the whole house to be infected with the same principles, and to be engaged in a combination, against his prerogative. The king, on the other hand, though he valued himself extremely on his king-craft, and perhaps was not altogether incapable of dissimulation, seems to have been very little endowed with the gift of secrecy; but openly, at his table, in all companies, inculcated those monarchical tenets, which he had so strongly imbibed. Before a numerous audience, he had expressed himself with great disparagement of the common law of England, and had given the preference, in the

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strongest terms, to the civil law: And for this indiscretion he found himself obliged to apologize, in a speech to the former parliament ²⁵. As a specimen of his usual liberty of talk, we may mention a story, though it passed some time after, which we meet with in the life of Waller, and which that poet used frequently to repeat. When Waller was young, he had the curiosity to go to court; and he stood in the circle, and saw James dine; where, among other company, there sat at table two bishops, Neile and Andrews. The king proposed aloud this question, Whether he might not take his subjects' money, when he needed it, without all this formality of parliament? Neile replied, *God forbid you should not: For you are the breath of our nostrils.* Andrews declined answering, and said, he was not skilled in parliamentary cases: But upon the king's urging him, and saying he would admit of no evasion, the bishop replied pleasantly: *Why then I think your majesty may lawfully take my brother Neile's money: For he offers it* ²⁶.

1615.
Somerset's
fall.

THE favorite had hitherto escaped the inquiry of justice; but he had not escaped that still voice which can make itself be heard amidst all the hurry and flattery of a court, and astonishes the criminal with a just representation of his most secret enormities. Conscious of the murder of his friend, Somerset received small consolation from the

²⁵ K. James's Works, p. 532.

²⁶ Preface to Waller's Works.

enjoyments of love, or the utmost kindness and indulgence of his sovereign. The graces of his youth gradually disappeared, the gaiety of his manners was obscured, his politeness and obliging behaviour were changed into fullness and silence. And the king, whose affections had been engaged by these superficial accomplishments, began to estrange himself from a man, who no longer contributed to his amusement.

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1615.

THE sagacious courtiers observed the first symptoms of this disgust: Somerset's enemies seized the opportunity, and offered a new minion to the king. George Villiers, a youth of one-and-twenty, younger brother of a good family, returned at this time from his travels, and was remarked for the advantages of a handsome person, genteel air, and fashionable apparel. At a comedy, he was purposely placed full in James's eye, and immediately engaged the attention, and, in the same instant, the affections of that monarch²⁷. Ashamed of his sudden attachment, the king endeavoured, but in vain, to conceal the partiality, which he felt for the handsome stranger; and he employed all his profound politics to fix him in his service, without seeming to desire it. He declared his resolution not to confer any office on him, unless entreated by the queen; and he pretended, that it should only be in complaisance to her choice, he would agree to admit him near his person. The queen was immediately applied to;

²⁷ Franklyn, p. 50. Kennet, vol. ii. p. 698.

C H A P. but she, well knowing the extreme, to which
 XLVII. the king carried these attachments, refused, at
 1615. first, to lend her countenance to this new passion.
 It was not till entreated by Abbot, archbishop,
 of Canterbury, a decent prelate, and one much
 prejudiced against Somerset, that she would con-
 descend to oblige her husband, by asking this
 favor of him²⁸. And the king, thinking now
 that all appearances were fully saved, no longer
 constrained his affection, but immediately bestowed
 the office of cupbearer on young Villiers.

THE whole court was thrown into parties be-
 tween the two minions; while some endeavoured
 to advance the rising fortunes of Villiers, others
 deemed it safer to adhere to the established credit
 of Somerset. The king himself, divided between
 inclination and decorum, increased the doubt and
 ambiguity of the courtiers; and the stern jealousy
 of the old favorite, who refused every advance
 of friendship from his rival, begat perpetual
 quarrels between their several partisans. But the
 discovery of Somerset's guilt in the murder of
 Overbury, at last decided the controversy, and
 exposed him to the ruin and infamy which he so
 well merited.

AN apothecary's prentice, who had been em-
 ployed in making up the poisons, having retired
 to Flushing, began to talk very freely of the
 whole secret; and the affair at last came to the
 ears of Trumbal, the king's envoy in the Low

²⁸ Coke, p. 46, 47. Rush, vol. i. p. 456.

Countries. By his means, Sir Ralph Winwood, C H A P.
XLVII.
1615. secretary of state, was informed; and he immediately carried the intelligence to James. The king, alarmed and astonished to find such enormous guilt in a man whom he had admitted into his bosom, sent for Sir Edward Coke, chief justice, and earnestly recommended to him the most rigorous and unbiaſſed scrutiny. This injunction was executed with great industry and severity: The whole labyrinth of guilt was carefully unravelled: The lesser criminals, Sir Jervis Elvis, lieutenant of the Tower, Franklin, Weston, Mrs. Turner, were first tried and condemned: Somerset and his countess were afterwards found guilty: Northampton's death, a little before, had saved him from a like fate.

It may not be unworthy of remark that Coke, in the trial of Mrs. Turner, told her, that she was guilty of the seven deadly sins: She was a whore, a bawd, a forcerer, a witch, a papist, a felon, and a murderer²⁹. And what may more surprise us, Bacon then attorney-general, took care to observe, that poisoning was a popish trick³⁰. Such were the bigotted prejudices which prevailed: Poisoning was not, of itself, sufficiently odious, if it were not represented as a branch of popery. Stowe tells us, that, when the king came to Newcastle, on his first entry into England, he gave liberty to all the prisoners, except those who were confined for treason, murder, and

²⁹ State Trials, vol. i. p. 230. ³⁰ Ibid. vol. i. p. 242.

C H A P. XLVII. 1615. *papistry.* When one considers these circumstances. that furious bigotry of the catholics, which broke out in the gunpowder conspiracy, appears the less surprising.

ALL the accomplices in Overbury's murder received the punishment due to their crime: But the king bestowed a pardon on the principals, Somerset and the countess. It must be confessed that James's fortitude had been highly laudable, had he persisted in his first intention of consigning over to severe justice all the criminals: But let us still beware of blaming him too harshly, if, on the approach of the fatal hour, he scrupled to deliver into the hands of the executioner, persons whom he had once favored with his most tender affections. To soften the rigor of their fate, after some years imprisonment, he restored them to their liberty, and conferred on them a pension, with which they retired, and languished out old age in infamy and obscurity. Their guilty loves were turned into the most deadly hatred; and they passed many years together in the same house, without any intercourse or correspondence with each other ³¹.

SEVERAL historians ³², in relating these events, have insisted much on the dissimulation of James's behaviour, when he delivered Somerset into the hands of the chief justice; on the insolent menaces of that criminal; on his peremptory refusal to stand a trial; and on the extreme anxiety of the

³¹ Kennet, p. 699.

³² Coke, Weldon, &c.

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1615.

king during the whole progress of this affair. Allowing all these circumstances to be true, of which some are suspicious, if not palpably false³³, the great remains of tenderness, which James still felt for Somerset, may, perhaps, be sufficient to account for them. That favorite was high-spirited; and resolute rather to perish than live under the infamy to which he was exposed. James was sensible, that the pardoning of so great a criminal, which was of itself invidious, would become still more unpopular, if his obstinate and stubborn behaviour on his trial should augment the public hatred against him³⁴. At least, the unreserved confidence, in which the king had indulged his favorite for several years, might render Somerset master of so many secrets, that it is impossible, without farther light, to assign the particular reason of that superiority, which, it is said, he appeared so much to assume.

THE fall of Somerset, and his banishment from court, opened the way for Villiers to mount up at once to the full height of favor, of honors, and of riches. Had James's passion been governed by common rules of prudence. the office of cup-bearer would have attached Villiers to his person, and might well have contented one of his age and family; nor would any one, who was not cynically austere, have much censured the singularity of the king's choice in his friends and favorites.

Rise of
Buckingham.

³³ See Biog. Brit. article Coke, p. 1384.

³⁴ Bacon, vol. iv. p. 617.

C H A P. XLVII. But such advancement was far inferior to the fortune, which he intended for his minion. In the course of a few years, he created him Viscount Villiers, Earl, Marquis, and Duke of Buckingham, knight of the garter, master of the horse, chief justice in Eyre, warden of the cinque ports, master of the king's bench office, steward of Westminster, constable of Windsor, and lord high admiral of England³⁵. His mother obtained the title of Countess of Buckingham: His brother was created Viscount Purbeck; and a numerous train of needy relations were all pushed up into credit and authority. And thus the fond prince, while he meant to play the tutor to his favorite, and to train him up in the rules of prudence and politics, took an infallible method, by loading him with premature and exorbitant honors, to render him, for ever, rash, precipitate, and insolent.

1616. A YOUNG minion to gratify with pleasure, a necessitous family to supply with riches, were enterprises too great for the empty exchequer of James. In order to obtain a little money, the cautionary towns must be delivered up to the Dutch; a measure which has been severely blamed by almost all historians; and I may venture to affirm, that it has been censured much beyond its real weight and importance.

WHEN queen Elizabeth advanced money for the support of the infant republic; besides the

³⁵ Franklyn, p. 30. Clarendon, 8vo edit. vol. i. p. 10.

view of securing herself against the power and ambition of Spain, she still reserved the prospect of re-imburement; and she got consigned into her hands the three important fortresses of Flushing, the Brille, and Rammekins, as pledges for the money due to her. Indulgent to the necessitous condition of the states, she agreed that the debt should bear no interest; and she stipulated, that if ever England should make a separate peace with Spain, she should pay the troops, which garrisoned those fortresses ³⁶.

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XLVII.
1616.

Cautionary
towns deli-
vered.

AFTER the truce was concluded between Spain and the United Provinces, the States made an agreement with the king, that the debt, which then amounted to 800,000 pounds, should be discharged by yearly payments of 40,000 pounds; and as five years had elapsed, the debt was now reduced to 600,000 pounds, and in fifteen years more, if the truce were renewed, it would be finally extinguished ³⁷. But of this sum, 26,000 pounds a-year were expended on the pay of the garrisons: The remainder alone accrued to the king: And the States, weighing these circumstances, thought, that they made James a very advantageous offer, when they expressed their willingness, on the surrender of the cautionary towns, to pay him immediately 250,000 pounds, and to incorporate the English garrisons in their army. It occurred also to the king, that even the pay-

³⁶ Rymer, tom. xvi. p. 341. Winwood, vol. ii. p. 351.

³⁷ Sir Dudley Carleton's letters, p. 27, 28.

C H A P. XLVII. 1616. ment of the 40,000 pounds a-year was precarious, and depended on the accident that the truce should be renewed between Spain and the Republic: If war broke out, the maintenance of the garrisons lay upon England alone; a burthen very uselefs and too heavy for the slender revenues of that kingdom: That even during the truce, the Dutch, straitened by other expences, were far from being regular in their payments; and the garrisons were at present in danger of mutinying for want of subsistence: That the annual sum of 14,000 pounds, the whole saving on the Dutch payments, amounted, in fifteen years, to no more than 210,000 pounds; whereas 250,000 pounds were offered immediately, a larger sum, and if money be computed at ten per cent, the current interest, more than double the sum to which England was entitled³⁸: That if James waited till the whole debt were discharged, the troops, which composed the garrisons, remained a burthen upon him, and could not be broken, without receiving some consideration for their past services: That the cautionary towns were only a temporary restraint upon the Hollanders; and in the present emergency, the conjunction of interest between

³⁸ An annuity of 14,000 during fifteen years, money being at 10 per cent, is worth on computation only 106,500 pounds, whereas the king received 250,000: Yet the bargain was good for the Dutch, as well as the king; because they were both of them freed from the maintenance of uselefs garrisons.

England and the republic was so intimate as to render all other ties superfluous; and no reasonable measures for mutual support would be wanting from the Dutch, even though freed from the dependence of these garrisons. That the exchequer of the republic was at present very low, inso-much that they found difficulty, now that the aids of France were withdrawn, to maintain themselves in that posture of defence, which was requisite during the truce with Spain: And that the Spaniards were perpetually insisting with the king on the restitution of these towns, as belonging to their crown; and no cordial alliance could ever be made with that nation, while they remained in the hands of the English³⁹. These reasons, together with his urgent wants, induced the king to accept of Caron's offer; and he evacuated the cautionary towns, which held the States in a degree of subjection, and which an ambitious and enterprising prince would have regarded as his most valuable possessions. This is the date of the full liberty of the Dutch commonwealth.

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XLVII.

6th June.

WHEN the crown of England devolved on James, it might have been foreseen by the Scottish nation, that the independence of their kingdom, the object for which their ancestors had shed so much blood, would now be lost; and that, if both states persevered in maintaining separate laws and parliaments, the weaker would more

1617.
Affairs of
Scotland.³⁹ Rushworth,

CHAP. sensibly feel the subjection, than if it had been
 XLVII. totally subdued by force of arms. But these
 1617. views did not generally occur. The glory of
 having given a sovereign to their powerful enemy,
 the advantages of present peace and tranquillity,
 the riches acquired from the munificence of their
 master; these considerations secured their dutiful
 obedience to a prince, who daily gave such
 sensible proofs of his friendship and partiality
 towards them. Never had the authority of any
 king, who resided among them, been so firmly
 established as was that of James, even when ab-
 sent; and as the administration had been hitherto
 conducted with great order and tranquillity, there
 had happened no occurrence to draw thither our
 attention. But this summer, the king was resolved
 to pay a visit to his native country, in order to
 renew his ancient friendships and connexions, and
 to introduce that change of ecclesiastical discipline
 and government, on which he was extremely
 intent. The three chief points of this kind,
 which James proposed to accomplish by his jour-
 ney to Scotland, were the enlarging of episcopal
 authority, the establishing of a few ceremonies
 in public worship, and the fixing of a superiority
 in the civil above the ecclesiastical jurisdiction.

BUT it is an observation, suggested by all
 history, and by none more than by that of
 James and his successor, that the religious spirit,
 when it mingles with faction, contains in it
 something supernatural and unaccountable; and
 that, in its operations upon society, effects

correspond less to their known causes than is found in any other circumstance of government. A reflection, which may, at once, afford a source of blame against such sovereigns as lightly innovate in so dangerous an article, and of apology for such, as being engaged in an enterprise of that nature, are disappointed of the expected event, and fail in their undertakings.

C H A P.
XLVII.
1617.

WHEN the Scottish nation was first seized with that zeal for reformation, which, though it caused such disturbance during the time, has proved so salutary in the consequences; the preachers, assuming a character little inferior to the prophetic or apostolical, disdained all subjection to the spiritual rulers of the church, by whom their innovations were punished and opposed. The revenues of the dignified clergy, no longer considered as sacred, were either appropriated by the present possessors, or seized by the more powerful barons; and what remained, after mighty dilapidations, was, by act of parliament, annexed to the crown. The prelates, however, and abbots, maintained their temporal jurisdictions and their seats in parliament; and though laymen were sometimes endowed with ecclesiastical titles, the church, notwithstanding its frequent protestations to the contrary, was still supposed to be represented by those spiritual lords, in the states of the kingdom. After many struggles, the king, even before his accession to the throne of England, had acquired sufficient influence over the Scottish clergy, to extort from them an acknowledgment

C H A P. of the parliamentary jurisdiction of bishops ;
 XLVII. though attended with many precautions , in order
 1617. to secure themselves against the spiritual encroach-
 ments of that order ⁴⁰. When king of England,
 he engaged them , though still with great re-
 luctance on their part , to advance a step farther ,
 and to receive the bishops as perpetual presidents
 or moderators in their ecclesiastical synods ; re-
 iterating their protestations against all spiritual
 jurisdiction of the prelates, and all controuling
 power over the presbyters ⁴¹. And by such
 gradual innovations, the king flattered himself,
 that he should quietly introduce episcopal au-
 thority : But as his final scope was fully seen
 from the beginning , every new advance gave
 fresh occasion of discontent , and aggravated ,
 instead of softening, the abhorrence entertained
 against the prelacy.

WHAT rendered the king's aim more apparent,
 were the endeavours, which , at the same time ,
 he used to introduce into Scotland some of the
 ceremonies of the church of England : The rest,
 it was easily foreseen, would soon follow. The
 fire of devotion, excited by novelty, and inflamed
 by opposition , had so possessed the minds of the
 Scottish reformers, that all rites and ornaments,
 and even order of worship , were disdainfully
 rejected as useless burthens ; retarding the imagin-
 ation in its rapturous ecstasies, and cramping the
 operations of that divine spirit, by which they

⁴⁰ 1598.

⁴¹ 1606.

supposed themselves to be animated. A mode of worship was established, the most naked and most simple imaginable; one that borrowed nothing from the senses; but reposed itself entirely on the contemplation of that divine Essence, which discovers itself to the understanding only. This species of devotion, so worthy of the supreme Being, but so little suitable to human frailty, was observed to occasion great disturbances in the breast, and in many respects to confound all rational principles of conduct and behaviour. The mind, straining for these extraordinary raptures, reaching them by short glances, sinking again under its own weakness, rejecting all exterior aid of pomp and ceremony, was so occupied in this inward life, that it fled from every intercourse of society, and from every cheerful amusement, which could soften or humanize the character. It was obvious to all discerning eyes, and had not escaped the king's, that, by the prevalence of fanaticism, a gloomy and sullen disposition established itself among the people; a spirit, obstinate and dangerous; independent and disorderly; animated equally with a contempt of authority, and a hatred to every other mode of religion, particularly to the catholic. In order to mellow these humors, James endeavoured to infuse a small tincture of ceremony into the national worship, and to introduce such rites as might, in some degree, occupy the mind, and please the senses, without departing too far from that simplicity, by which the reformation was

C H A P.

XLVII.

1617.

C H A P. distinguished. The finer arts too, though still
 XLVII. rude in these northern kingdoms, were employed
 1617. to adorn the churches; and the king's chapel, in
 which an organ was erected, and some pictures
 and statues displayed, was proposed as a model
 to the rest of the nation. But music was grating
 to the prejudiced ears of the Scottish clergy;
 sculpture and painting appeared instruments of
 idolatry; the surplice was a rag of popery; and
 every motion or gesture, prescribed by the liturgy,
 was a step towards that spiritual Babylon, so
 much the object of their horror and aversion.
 Every thing was deemed impious, but their own
 mystical comments on the Scriptures, which they
 idolized, and whose eastern prophetic style they
 employed in every common occurrence.

It will not be necessary to give a particular
 account of the ceremonies which the king was
 so intent to establish. Such institutions, for a
 time, are esteemed either too divine to have
 proceeded from any other being than the supreme
 Creator of the universe, or too diabolical to have
 been derived from any but an infernal demon.
 But no sooner is the mode of the controversy
 past, than they are universally discovered to be
 of so little importance as scarcely to be mentioned
 with decency amidst the ordinary course of
 human transactions. It suffices here to remark,
 that the rites introduced by James regarded the
 kneeling at the sacrament, private communion,
 private baptism, confirmation of children, and

the observance of Christmas and other festivals⁴². The acts, establishing these ceremonies, were afterwards known by the name of the articles of Perth, from the place where they were ratified by the assembly.

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A CONFORMITY of discipline and worship between the churches of England and Scotland, which was James's aim, he never could hope to establish, but by first procuring an acknowledgment to his own authority in all spiritual causes; and nothing could be more contrary to the practice as well as principles of the presbyterian clergy. The ecclesiastical courts possessed the power of pronouncing excommunication; and that sentence, besides the spiritual consequences supposed to follow from it, was attended with immediate effects of the most important nature. The person excommunicated was shunned by every one as profane and impious; and his whole estate, during his lifetime, and all his moveables, for ever, were forfeited to the crown. Nor were the previous steps, requisite before pronouncing this sentence, formal or regular, in proportion to the weight of it. Without accuser, without summons, without trial, any ecclesiastical court, however inferior, sometimes pretended, in a summary manner, to denounce excommunication, for any cause, and against any person, even though he lived not within the bounds of their jurisdiction⁴³. And, by this means, the whole

⁴² Franklyn, p. 25. Spotswood. ⁴³ Ibid.

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1617. tyranny of the inquisition, though without its order, was introduced into the kingdom.

BUT the clergy were not content with the unlimited jurisdiction, which they exercised in ecclesiastical matters: They assumed a censorial power over every part of administration; and, in all their sermons, and even prayers, mingling politics with religion, they inculcated the most seditious and most turbulent principles. Black, minister of St. Andrews, went so far⁴⁴, in a sermon, as to pronounce all kings the devil's children; he gave the queen of England the appellation of atheist; he said, that the treachery of the king's heart was now fully discovered; and in his prayers for the queen he used these words; *We must pray for her for the fashion's sake, but we have no cause: She will never do us any good.* When summoned before the privy council, he refused to answer to a civil court for any thing delivered from the pulpit, even though the crime, of which he was accused, was of a civil nature. The church adopted his cause. They raised a sedition in Edinburgh⁴⁵. The king, during some time, was in the hands of the enraged populace; and it was not without courage, as well as dexterity, that he was able to extricate himself⁴⁶. A few days after, a minister, preaching in the principal church of that capital, said, that the king was possessed with a devil; and, that one devil being expelled, seven worse had entered in

⁴⁴ 1596.

⁴⁵ 17 Dec. 1596.

⁴⁶ Spotswood.
his

his place ⁴⁷. To which he added, that the subjects might lawfully rise, and take the sword out of his hand. Scarcely, even during the darkest night of papal superstition, are there found such instances of priestly encroachments, as the annals of Scotland present to us during that period.

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By these extravagant stretches of power, and by the patient conduct of James, the church began to lose ground, even before the king's accession to the throne of England: But no sooner had that event taken place, than he made the Scottish clergy sensible, that he was become the sovereign of a great kingdom, which he governed with great authority. Though formerly he would have thought himself happy to have made a fair partition with them of the civil and ecclesiastical authority, he was now resolved to exert a supreme jurisdiction in church as well as state, and to put an end to their seditious practices. An assembly had been summoned at Aberdeen ⁴⁸; but, on account of his journey to London, he prorogued it to the year following. Some of the clergy, disavowing his ecclesiastical supremacy, met at the time first appointed, notwithstanding his prohibition. He threw them into prison. Such of them as submitted, and acknowledged their error, were pardoned. The rest were brought to their trial. They were condemned for high treason. The king gave them

⁴⁷ Spotswood.

⁴⁸ July, 1604.

C H A P. XLVII. 1617. their lives; but banished them the kingdom. Six of them suffered this penalty ⁴⁹.

THE general assembly was afterwards induced ⁵⁰ to acknowledge the king's authority in summoning ecclesiastical courts, and to submit to the jurisdiction and visitation of the bishops. Even their favorite sentence of excommunication was declared invalid, unless confirmed by the ordinary. The king recommended to the inferior courts the members whom they should elect to this assembly; and every thing was conducted in it with little appearance of choice and liberty ⁵¹.

By his own prerogative likewise, which he seems to have stretched on this occasion, the king erected a court of high commission ⁵², in imitation of that which was established in England. The bishops and a few of the clergy, who had been summoned, willingly acknowledged this court; and it proceeded immediately upon business, as if its authority had been grounded on the full consent of the whole legislature.

13th June.

BUT James reserved the final blow for the time when he should himself pay a visit to Scotland. He proposed to the parliament, which was then assembled, that they should enact, that, "whatever his majesty should determine in the external government of the church, with the consent of the archbishops, bishops, and a competent number of the ministry, should have

⁴⁹ Spotswood.
⁵¹ Spotswood.

⁵⁰ 6th June, 1610.
⁵² 15th Feb. 1610.

“the force of law”⁵³.” What number should be deemed competent was not determined: And their nomination was left entirely to the king: So that his ecclesiastical authority, had this bill passed, would have been established in its full extent. Some of the clergy protested. They apprehended, they said, that the purity of their church would, by means of this new authority, be polluted with all the rites and liturgy of the church of England. James, dreading clamor and opposition, dropped the bill, which had already passed the lords of articles; and asserted, that the inherent prerogative of the crown contained more power than was recognized by it. Some time after, he called, at St. Andrews, a meeting of the bishops and thirty-six of the most eminent clergy. He there declared his resolution of exerting his prerogative, and of establishing, by his own authority, the few ceremonies, which he had recommended to them. They entreated him rather to summon a general assembly, and to gain their assent. An assembly was accordingly summoned to meet on the 25th of November ensuing.

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10th July.

YET this assembly, which met after the king's departure from Scotland, eluded all his applications; and it was not till the subsequent year, that he was able to procure a vote for receiving his ceremonies. And through every step in this affair, in the parliament as well as in all the

⁵³ Spotswood. Franklyn, p. 29.

C H A P. XLVII. 1617. general assemblies, the nation betrayed the utmost reluctance to all these innovations; and nothing but James's importunity and authority had extorted a seeming consent, which was belied by the inward sentiments of all ranks of people. Even the few, over whom religious prejudices were not prevalent, thought national honor sacrificed by a servile imitation of the modes of worship practised in England. And every prudent man agreed in condemning the measures of the king, who, by an ill-timed zeal for insignificant ceremonies, had betrayed, though in an opposite manner, equal narrowness of mind with the persons, whom he treated with such contempt. It was judged, that, had not these dangerous humors been irritated by opposition; had they been allowed peaceably to evaporate; they would at last have subsided within the limits of law and civil authority. And that, as all fanatical religions naturally circumscribe to very narrow bounds the numbers and riches of the ecclesiastics; no sooner is their first fire spent, than they lose their credit over the people; and leave them under the natural and beneficent influence of their civil and moral obligations.

AT the same time that James shocked, in so violent a manner, the religious principles of his Scottish subjects, he acted in opposition to those of his English. He had observed, in his progress through England, that a judaical observance of the Sunday, chiefly by means of the puritans, was every day gaining ground throughout the

kingdom, and that the people, under color of C H A P. religion, were, contrary to former practice, XLVII. debarred such sports and recreations as contributed both to their health and their amusement⁵⁴. Festivals, which, in other nations and ages, are partly dedicated to public worship, partly to mirth and society, were here totally appropriated to the offices of religion, and served to nourish those sullen and gloomy contemplations, to which the people were, of themselves, so unfortunately subject. The king imagined, that it would be easy to infuse chearfulness into this dark spirit of devotion. He issued a proclamation to allow and encourage, after divine service, all kinds of lawful games and exercises; and, by his authority, he endeavoured to give sanction to a practice, which his subjects regarded as the utmost instance of profaneness and impiety⁵⁵.

⁵⁴ Kennet, p. 709.

⁵⁵ Franklyn, p. 31. To show how rigid the English, chiefly the puritans, were become in this particular, a bill was introduced into the house of commons, in the 18th of the king, for the more strict observance of the Sunday, which they affected to call the Sabbath. One Shepherd opposed this bill, objected to the appellation of Sabbath as puritanical, defended dancing by the example of David, and seems even to have justified sports on that day. For this profaneness he was expelled the house, by the suggestion of Mr. Pym. The house of Lords opposed so far this puritanical spirit of the commons, that they proposed, that the appellation of *Sabbath* should be changed into that of the *Lord's Day*. Journ. 15, 16 Feb. 1620. 28 May, 1621. In Shepherd's sentence, his offence is said by the house to be great, exorbitant, unparalleled.

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Sir Walter Raleigh's expedition — His execution — Insurrections in Bohemia — Loss of the Palatinate — Negotiations with Spain — A Parliament — Parties — Fall of Bacon — Rupture between the king and the commons — Protestation of the commons.

C H A P. XLVIII. 1618. Sir Walter Raleigh's expedition. **A**T the time when Sir Walter Raleigh was first confined in the Tower, his violent and haughty temper had rendered him the most unpopular man in England; and his condemnation was chiefly owing to that public odium, under which he labored. During the thirteen years imprisonment which he suffered, the sentiments of the nation were much changed with regard to him. Men had leisure to reflect on the hardship, not to say injustice, of his sentence; they pitied his active and enterprising spirit, which languished in the rigors of confinement; they were struck with the extensive genius of the man, who, being educated amidst naval and military enterprises, had surpassed in the pursuits of literature even those of the most recluse and sedentary lives; and they admired his unbroken magnanimity, which, at his age and under his circumstances, could engage him to undertake and execute so great a work as his History of the

World. To increase these favorable dispositions, on which he built the hopes of recovering his liberty, he spread the report of a golden mine, which he had discovered in Guiana, and which was sufficient, according to his representation, not only to enrich all the adventurers, but to afford immense treasures to the nation. The king gave little credit to these mighty promises; both because he believed, that no such mine as the one described was any-where in nature, and because he considered Raleigh as a man of desperate fortunes, whose business it was, by any means, to procure his freedom, and to reinstate himself in credit and authority. Thinking, however, that he had already undergone sufficient punishment; he released him from the Tower; and when his vaunts of the golden mine had induced multitudes to engage with him, the king gave them permission to try the adventure, and, at their desire, he conferred on Raleigh authority over his fellow-adventurers. Though strongly solicited, he still refused to grant him a pardon, which seemed a natural consequence, when he was intrusted with power and command. But James declared himself still diffident of Raleigh's intentions; and he meant, he said, to reserve the former sentence, as a check upon his future behaviour.

RALEIGH well knew, that it was far from the king's purpose to invade any of the Spanish settlements: He therefore firmly denied that Spain had planted any colonies on that part of the coast where his mine lay. When Gondomar,

C H A P. the ambaffador of that nation, alarmed at his
 XLVIII. preparations, carried complaints to the king,
 1618. Raleigh ftill protested the innocence of his intentions: And James affured Gondomar, that he durft not form any hostile attempt, but fhould pay with his head for fo audacious an enterprife. The minifter, however, concluding, that twelve armed veffels were not fitted out without fome purpofe of invafion, conveyed the intelligence to the court of Madrid, who immediately gave orders for arming and fortifying all their fettlements, particularly thofe along the coaft of Guiana.

WHEN the courage and avarice of the Spaniards and Portuguefe had difcovered fo many new worlds, they were refolved to fhew themfelves fuperior to the barbarous heathens whom they invaded, not only in arts and arms, but alfo in the juftice of the quarrel: They applied to Alexander VI. who then filled the papal chair; and he generously beftowed on the Spaniards the whole western, and on the Portuguefe the whole eaftern part of the globe. The more fcrupulous proteftants, who acknowledged not the authority of the Roman pontiff, eftablifhed the firft difcovery as the foundation of *their* title; and if a pirate or fea-adventurer of their nation had but erected a ftick or ftone on the coaft, as a memorial of his taking poffeffion, they concluded the whole continent to belong to them, and thought themfelves entitled to expel or exterminate, as ufurpers, the ancient poffeffors and inhabitants. It was in this manner that Sir Walter Raleigh,

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about twenty-three years before, had acquired to the crown of England a claim to the continent of Guiana, a region as large as the half of Europe; and though he had immediately left the coast, yet he pretended that the English title to the whole remained certain and indefeasible. But it had happened in the mean time, that the Spaniards, not knowing or not acknowledging this imaginary claim, had taken possession of a part of Guiana, had formed a settlement on the river Oronooko, had built a little town called St. Thomas, and were there working some mines of small value.

To this place Raleigh directly bent his course; and, remaining himself at the mouth of the river with five of the largest ships, he sent up the rest to St. Thomas, under the command of his son, and of captain Keymis, a person entirely devoted to him. The Spaniards, who had expected this invasion, fired on the English at their landing, were repulsed, and pursued into the town. Young Raleigh, to encourage his men, called out, *That this was the true mine, and none but fools looked for any other*; and advancing upon the Spaniards, received a shot, of which he immediately expired. This dismayed not Keymis and the others. They carried on the attack; got possession of the town, which they afterwards reduced to ashes; and found not in it any thing of value.

RALEIGH did not pretend, that he had himself seen the mine, which he had engaged so many

C H A P. XLVIII. 1618. people to go in quest of: It was Keymis, he said, who had formerly discovered it, and had brought him that lump of ore, which promised such immense treasures. Yet Keymis, who owned that he was within two hours' march of the place, refused, on the most absurd pretences, to take any effectual step towards finding it; and he returned immediately to Raleigh, with the melancholy news of his son's death, and the ill success of the enterprize. Sensible to reproach, and dreading punishment for his behaviour, Keymis, in despair, retired into his cabin, and put an end to his own life.

THE other adventurers now concluded, that they were deceived by Raleigh; that he never had known of any such mine as he pretended to go in search of; that his intention had ever been to plunder St. Thomas; and having encouraged his company by the spoils of that place, to have thence proceeded to the invasion of the other Spanish settlements; that he expected to repair his ruined fortunes by such daring enterprizes; and that he trusted to the money he should acquire, for making his peace with England; or if that view failed him, that he purposed to retire into some other country, where his riches would secure his retreat.

THE small acquisitions, gained by the sack of St. Thomas, discouraged Raleigh's companions from entering into these views; though there were many circumstances in the treaty and late transactions, between the nations, which might

invite them to engage in such a piratical war C H A P.
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WHEN England made peace with Spain, the example of Henry IV. was imitated, who, at the treaty of Vervins, finding a difficulty in adjusting all questions with regard to the Indian trade, had agreed to pass over that article in total silence. The Spaniards, having, all along, published severe edicts against the intercourse of any European nation with their colonies, interpreted this silence in their own favor, and considered it as a tacit acquiescence of England in the established laws of Spain. The English, on the contrary, pretended, that, as they had never been excluded by any treaty from commerce with any part of the king of Spain's dominions, it was still as lawful for them to trade with his settlements in either Indies, as with his European territories. In consequence of this ambiguity, many adventurers from England sailed to the Spanish Indies, and met with severe punishment, when caught; as they, on the other hand, often stole, and, when superior in power, forced a trade with the inhabitants, and resisted, nay sometimes plundered, the Spanish governors. Violences of this nature, which had been carried to a great height on both sides, it was agreed to bury in total oblivion; because of the difficulty, which was found, in remedying them, upon any fixed principles.

BUT as there appeared a great difference between private adventurers in single ships, and a fleet acting under a royal commission; Raleigh's com-

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panions thought it safest to return immediately to England, and carry him along with them to answer for his conduct. It appears, that he employed many artifices, first to engage them to attack the Spanish settlements, and, failing of that, to make his escape into France: But, all these proving unsuccessful, he was delivered into the king's hands, and strictly examined, as well as his fellow-adventurers, before the privy-council. The council, upon inquiry, found no difficulty in pronouncing, that the former suspicions, with regard to Raleigh's intentions, had been well grounded; that he had abused the king in the representations which he had made of his projected adventure; that, contrary to his instructions, he had acted in an offensive and hostile manner against his majesty's allies; and that he had wilfully burned and destroyed a town belonging to the king of Spain. He might have been tried, either by common law for this act of violence and piracy, or by martial law for breach of orders: But it was an established principle among lawyers¹, that, as he lay under an actual attainder for high-treason, he could not be brought to a new trial for any other crime. To satisfy, therefore, the court of Spain, which raised the loudest complaints against him, the king made use of that power which he had purposely reserved in his own hands, and signed

¹ See this matter discussed in Bacon's letters, published by Dr. Birch, p. 181.

the warrant for his execution upon his former C H A P.
sentence ².

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RALEIGH, finding his fate inevitable, collected all his courage: And though he had formerly made use of many mean artifices, such as feigning madness, sickness, and a variety of diseases, in order to protract his examination, and procure his escape; he now resolved to act his part with bravery and resolution. *'Tis a sharp remedy*, he said, *but a sure one for all ills*; when he felt the edge of the ax, by which he was to be beheaded ³. His harangue to the people was calm and eloquent; and he endeavoured to revenge himself, and to load his enemies with the public hatred, by strong asseverations of facts, which, to say the least, may be esteemed very doubtful ⁴. With the utmost indifference, he laid his head upon the block, and received the fatal blow. And in his death, there appeared the same great, but ill-regulated mind, which, during his life, had displayed itself in all his conduct and behaviour.

29th Octob.
Raleigh's
execution.

No measure of James's reign was attended with more public dissatisfaction than the punishment of Sir Walter Raleigh. To execute a sentence, which was originally so hard, which had been so long suspended, and which seemed to have

² See note [I] at the end of the volume.

³ Franklyn, p. 32.

⁴ He asserted in the most solemn manner, that he had no wife contributed to Essex's death: But the last letter in Murden's collection contains the strongest proof of the contrary.

C H A P. been tacitly pardoned by conferring on him a
 XLVIII. new trust and commission, was deemed an
 1618. instance of cruelty and injustice. To sacrifice, to
 a concealed enemy of England, the life of the
 only man in the nation, who had a high reputa-
 tion for valor and military experience, was
 regarded as meanness and indiscretion: And the
 intimate connexions, which the king was now
 entering into with Spain, being universally dis-
 tasteful, rendered this proof of his complaisance
 still more invidious and unpopular.

JAMES had entertained an opinion, which was
 peculiar to himself, and which had been adopted
 by none of his predecessors, that any alliance,
 below that of a great king, was unworthy of a
 prince of Wales; and he never would allow any
 princess but a daughter of France or Spain, to
 be mentioned as a match for his son'. This
 instance of pride, which really implies meanness,
 as if he could receive honor from any alliance,
 was so well known, that Spain had founded on
 it the hopes of governing, in the most important
 transactions, this monarch, so little celebrated
 for politics or prudence. During the life of Henry,
 the king of Spain had dropped some hints of be-
 stowing on that prince his eldest daughter, whom
 he afterwards disposed of in marriage to the young
 king of France, Lewis XIII. At that time, the
 views of the Spaniards were to engage James
 into a neutrality with regard to the succession

' Kennet, p. 703. 748.

of Cleves, which was disputed between the protestant and popish line⁶: But the bait did not then take; and James, in consequence of his alliance with the Dutch, and with Henry IV. of France, marched⁷ 4000 men, under the command of Sir Edward Cecil, who joined these two powers, and put the marquis of Brandenburg and the Palatine of Newbourg, in possession of that dutchy.

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GONDOMAR was, at this time, the Spanish ambassador in England; a man whose flattery was the more artful, because covered with the appearance of frankness and sincerity; whose politics were the more dangerous, because disguised under the mask of mirth and pleasantry. He now made offer of the second daughter of Spain to prince Charles; and, that he might render the temptation irresistible to the necessitous monarch, he gave hopes of an immense fortune, which should attend the princess. The court of Spain, though determined to contract no alliance with a heretic⁸, entered into negociations with James, which they artfully protracted, and, amidst every disappointment, they still redoubled his hopes of success⁹. The transactions in Germany, so important to the Austrian greatness, became every day a new motive for this duplicity of conduct.

IN that great revolution of manners, which

Insurrec-
tions in Bo-
hemia,

⁶ Rushworth, vol. i. p. 2.

⁷ 1612.

⁸ La Boderie, vol. ii. p. 30.

⁹ Franklyn, p. 71.

O H A P. happened during the sixteenth and the seven-
 XLVIII. teenth centuries, the only nations, who had the
 1618. honorable, though often melancholy advantage,
 of making an effort for their expiring privileges,
 were such as, together with the principles of civil
 liberty, were animated with a zeal for religious
 parties and opinions. Besides the irresistible force
 of standing armies, the European princes possessed
 this advantage, that they were descended from
 the ancient royal families; that they continued
 the same appellations of magistrates, the same
 appearance of civil government; and restraining
 themselves by all the forms of legal administra-
 tion, could insensibly impose the yoke on their
 unguarded subjects. Even the German nations,
 who formerly broke the Roman chains, and
 restored liberty to mankind, now lost their own
 liberty, and saw with grief the absolute authority
 of their princes firmly established among them.
 In their circumstances, nothing but a pious zeal,
 which disregards all motives of human prudence,
 could have made them entertain hopes of preserv-
 ing any longer those privileges, which their
 ancestors, through so many ages, had transmitted
 to them.

As the house of Austria, throughout all her
 extensive dominions, had ever made religion the
 pretence for her usurpations, she now met with
 resistance from a like principle; and the catholic
 religion, as usual, had ranged itself on the side
 of monarchy; the protestant, on that of liberty.
 The states of Bohemia, having taken arms against
 the

the emperor Matthias, continued their revolt against his successor Ferdinand, and claimed the observance of all the edicts enacted in favor of the new religion, together with the restoration of their ancient laws and constitution. The neighbouring principalities, Silesia, Moravia, Lusatia, Austria, even the kingdom of Hungary, took part in the quarrel; and throughout all these populous and martial provinces, the spirit of discord and civil war had universally diffused itself¹⁰.

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FERDINAND II. who possessed more vigor and greater abilities, though not more lenity and moderation, than are usual with the Austrian princes, strongly armed himself for the recovery of his authority; and besides employing the assistance of his subjects, who professed the ancient religion, he engaged on his side a powerful alliance of the neighbouring potentates. All the catholic princes of the empire had embraced his defence; even Saxony, the most powerful of the protestant: Poland had declared itself in his favor¹¹; and, above all, the Spanish monarch, deeming his own interest closely connected with that of the younger branch of his family, prepared powerful succours from Italy, and from the Low Countries; and he also advanced large sums for the support of Ferdinand and of the catholic religion.

1619.

¹⁰ Rushworth, vol. i. p. 7, 8.

¹¹ Rushworth, vol. i. p. 13, 14.

C H A P. THE states of Bohemia, alarmed at these
 XLVIII. mighty preparations, began also to solicit foreign
 1619. assistance; and, together with that support, which
 they obtained from the evangelical union in
 Germany, they endeavoured to establish con-
 nexions with greater princes. They cast their eyes
 on Frederic, elector Palatine. They considered,
 that, besides commanding no despicable force of
 his own, he was son-in-law to the king of Eng-
 land, and nephew to prince Maurice, whose
 authority was become almost absolute in the
 United Provinces. They hoped, that these
 princes, moved by the connexions of blood, as
 well as by the tie of their common religion,
 would interest themselves in all the fortunes of
 Frederic, and would promote his greatness. They
 therefore made him a tender of their crown,
 which they considered as elective; and the young
 Palatine, stimulated by ambition, without con-
 sulting either James¹² or Maurice, whose opposi-
 tion he foresaw, immediately accepted the offer,
 and marched all his forces into Bohemia, in
 support of his new subjects.

THE news of these events no sooner reached
 England, than the whole kingdom was on fire
 to engage in the quarrel. Scarcely was the ardor
 greater, with which all the states of Europe,
 in former ages, flew to rescue the holy land
 from the dominion of infidels. The nation was,
 as yet, sincerely attached to the blood of their

¹² Franklyn, p. 49.

monarchs, and they considered their connexion with the Palatine, who had married a daughter of England, as very close and intimate. And, when they heard of catholics carrying on wars and persecutions against protestants, they thought their own interest deeply concerned, and regarded their neutrality as a base desertion of the cause of God, and of his holy religion. In such a quarrel, they would gladly have marched to the opposite extremity of Europe, have plunged themselves into a chaos of German politics, and have expended all the blood and treasure of the nation, by maintaining a contest with the whole house of Austria, at the very time, and in the very place, in which it was the most potent, and almost irresistible.

BUT James, besides that his temper was too little enterprising for such vast undertakings, was restrained by another motive, which had a mighty influence over him: He refused to patronise the revolt of subjects against their sovereign. From the very first he denied to his son-in-law the title of king of Bohemia¹³: He forbade him to be prayed for in the churches under that appellation: And though he owned, that he had nowise examined the pretensions, privileges, and constitution of the revolted states¹⁴; so exalted was his idea of the rights of kings, that he concluded subjects must ever be in the wrong,

¹³ Rushworth, vol. i. p. 12, 13.

¹⁴ Franklyn, p. 48.

C H A P. when they stood in opposition to those, who
XLVIII. had acquired or assumed that majestic title. Thus, even in measures, founded on true politics, James intermixed so many narrow prejudices, as diminished his authority, and exposed him to the imputation of weakness and of error.

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MEANWHILE, affairs every where hastened to a crisis. Ferdinand levied a great force under the command of the duke of Bavaria and the count of Bucquoy; and advanced upon his enemy in Bohemia. In the Low Countries, Spinola collected a veteran army of thirty thousand men. When Edmonds, the king's resident at Brussels, made remonstrances to the archduke Albert, he was answered, that the orders for this armament had been transmitted to Spinola from Madrid, and that he alone knew the secret destination of it. Spinola again told the minister, that his orders were still sealed; but, if Edmonds would accompany him in his march to Coblenz, he would there open them and give him full satisfaction¹⁵. It was more easy to see his intentions, than to prevent their success. Almost at one time it was known in England, that Frederic, being defeated in the great and decisive battle of Prague, had fled with his family into Holland, and that Spinola had invaded the Palatinate, and, meeting with no resistance, except from some princes of the union, and from one English regiment of 2,400 men, commanded by the brave

Loss of the
Palatinate.

¹⁵ Franklyn, p. 44. Rushworth, vol. i p. 14.

Sir Horace Vere¹⁶, had, in a little time, reduced the greater part of that principality.

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HIGH were now the murmurs and complaints against the king's neutrality and unactive disposition. The happiness and tranquillity of their own country became distasteful to the English, when they reflected on the grievances and distresses of their protestant brethren in Germany. They considered not, that their interposition in the wars of the continent, though agreeable to religious zeal, could not, at that time, be justified by any sound maxims of politics; that, however exorbitant the Austrian greatness, the danger was still too distant to give any just alarm to England; that mighty resistance would yet be made by so many potent and warlike princes and states in Germany, ere they would yield their neck to the yoke; that France, now engaged to contract a double alliance with the Austrian family, must necessarily be soon roused from her lethargy, and oppose the progress of so hated a rival; that in the farther advance of conquests, even the interests of the two branches of that ambitious family must interfere, and beget mutual jealousy and opposition; that a land-war, carried on at such a distance, would waste the blood and treasure of the English nation, without any hopes of success; that a sea-war, indeed, might be both safe and successful against Spain, but would not

¹⁶ Franklyn, p. 42, 43. Rushworth, vol. i. p. 15. Kennet, p. 723.

C H A P. affect the enemy in such vital parts as to make
 XLVIII. them stop their career of success in Germany,
 1630. and abandon all their acquisitions; and that the
 prospect of recovering the Palatinate being at
 present desperate, the affair was reduced to this
 simple question, whether peace and commerce
 with Spain, or the uncertain hopes of plunder
 and of conquest in the Indies, were preferable?
 a question, which, at the beginning of the king's
 reign, had already been decided, and perhaps
 with reason, in favor of the former advantages.

Negocia-
 tions with
 Spain.

JAMES might have defended his pacific measures
 by such plausible arguments: But these, though
 the chief, seem not to have been the sole motives
 which swayed him. He had entertained the
 notion, that, as his own justice and moderation
 had shone out so conspicuously throughout all these
 transactions, the whole house of Austria, though
 not awed by the power of England, would
 willingly, from mere respect to his virtue, submit
 themselves to so equitable an arbitration. He
 flattered himself, that, after he had formed an
 intimate connexion with the Spanish monarch,
 by means of his son's marriage, the restitution of
 the Palatinate might be procured, from the motive
 alone of friendship and personal attachment. He
 perceived not, that his unactive virtue, the more
 it was extolled, the greater disregard was it ex-
 posed to. He was not sensible, that the Spanish
 match was itself attended with such difficulties,
 that all his art of negotiation would scarcely be
 able to surmount them; much less, that this

match could in good policy be depended on, as the means of procuring such extraordinary advantages. His unwarlike disposition, increased by age, rivetted him still faster in his errors, and determined him to seek the restoration of his son-in-law, by remonstrances and entreaties, by arguments and embassies, rather than by blood and violence. And the same defect of courage, which held him in awe of foreign nations, made him likewise afraid of shocking the prejudices of his own subjects, and kept him from openly avowing the measures, which he was determined to pursue. Or, perhaps, he hoped to turn these prejudices to account; and by their means, engage his people to furnish him with supplies, of which their excessive frugality had hitherto made them so sparing and reserved¹⁷.

HE first tried the expedient of a benevolence or free-gift from individuals; pretending the urgency of the case, which would not admit of leisure for any other measure: But the jealousy of liberty was now roused, and the nation regarded these pretended benevolences as real extortions, contrary to law, and dangerous to freedom, however authorized by ancient precedent. A parliament was found to be the only resource, which could furnish any large supplies; and writs were accordingly issued for summoning that great council of the nation¹⁸.

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A parlia-
ment.

¹⁷ Franklyn, p. 47. Rushworth, vol. i.

¹⁸ See note [K] at the end of the volume.

C H A P. XLVIII. 1621. 16th June. IN this parliament, there appeared, at first, nothing but duty and submission on the part of the commons; and they seemed determined to sacrifice every thing, in order to maintain a good correspondence with their prince. They would allow no mention to be made of the new customs or impositions, which had been so eagerly disputed in the former parliament¹⁹: The imprisonment of the members of that parliament was here, by some, complained of; but, by the authority of the graver and more prudent part of the house, that grievance was buried in oblivion²⁰: And being informed, that the king had remitted several considerable sums to the Palatine, the commons, without a negative, voted him two subsidies²¹; and that too, at the very beginning of the session, contrary to the maxims frequently adopted by their predecessors.

AFTERWARDS, they proceeded, but in a very temperate manner, to the examination of grievances. They found, that patents had been granted to Sir Giles Mompeffon and Sir Francis Michel, for licensing inns and ale-houses; that great sums of money had been exacted, under pretext of these licences; and that such inn-keepers as presumed to continue their business, without satisfying the rapacity of the patentees, had been severely punished by fine, imprisonment, and vexatious prosecutions.

¹⁹ Journ. 5 Dec. 1621. ²⁰ Journ. 12, 16 Feb. 1620.

²¹ Journ. 16 Feb. 1620.

THE same persons had also procured a patent, which they shared with Sir Edward Villiers, brother to Buckingham, for the sole making of gold and silver thread and lace, and had obtained very extraordinary powers for preventing any rivalship in these manufactures: They were armed with authority to search for all goods, which might interfere with their patent; and even to punish, at their own will and discretion, the makers, importers, and venders of such commodities. Many had grievously suffered by this exorbitant jurisdiction; and the lace, which had been manufactured by the patentees, was universally found to be adulterated, and to be composed more of copper than of the precious metals.

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THESE grievances the commons represented to the king; and they met with a very gracious and very cordial reception. He seemed even thankful for the information given him; and declared himself ashamed, that such abuses, unknowingly to him, had crept into his administration. "I assure you," said he, "had I before heard these things complained of, I would have done the office of a just king, and out of parliament have punished them, as severely, and peradventure more, than you now intend to do²²." A sentence was passed for the punishment of Michel and Monpeffon²³. It was executed on the former. The latter broke prison and escaped. Villiers

²² Franklyn, p. 51. Rushworth, p. 25.

²³ Franklyn, p. 52. Rushworth, vol. i. p. 27.

C H A P. was, at that time, sent purposely on a foreign
XLVIII. employment; and his guilt being less enormous
1621. or less apparent than that of the others, he was
 the more easily protected by the credit of his
 brother, Buckingham²⁴.

Bacon's fall. ENCOURAGED by this success, the commons
 carried their scrutiny, and still with a respectful
 hand, into other abuses of importance. The
 great seal was, at that time, in the hands of the
 celebrated Bacon, created Viscount St. Albans;
 a man universally admired for the greatness of
 his genius, and beloved for the courteousness
 and humanity of his behaviour. He was the great
 ornament of his age and nation; and nought was
 wanting to render him the ornament of human
 nature itself, but that strength of mind, which
 might check his intemperate desire of preferment,
 that could add nothing to his dignity, and might
 restrain his profuse inclination to expense, that
 could be requisite neither for his honor nor
 entertainment. His want of œconomy and his
 indulgence to servants had involved him in ne-
 cessities; and in order to supply his prodigality,

²⁴ Yelverton the attorney-general was accused by the commons for drawing the patents for these monopolies, and for supporting them. He apologized for himself, that he was forced by Buckingham, and that he supposed it to be the king's pleasure. The lords were so offended at these articles of defence, though necessary to the attorney-general, that they fined him 10,000 pounds to the king, 5000 to the duke. The fines, however, were afterwards remitted. Franklyn, p. 55. Rushworth, vol. i. p. 31, 32, &c.

he had been tempted to take bribes, by the title of presents, and that in a very open manner, from suitors in chancery. It appears, that it had been usual for former chancellors to take presents; and it is pretended, that Bacon, who followed the same dangerous practice, had still, in the seat of justice, preserved the integrity of a judge, and had given just decrees against those very persons, from whom he had received the wages of iniquity. Complaints rose the louder on that account, and at last reached the house of commons, who sent up an impeachment against him to the peers. The chancellor, conscious of guilt, deprecated the vengeance of his judges, and endeavoured, by a general avowal, to escape the confusion of a stricter inquiry. The lords insisted on a particular confession of all his corruptions. He acknowledged twenty-eight articles; and was sentenced to pay a fine of 40,000 pounds, to be imprisoned in the Tower during the king's pleasure, to be for ever incapable of any office, place, or employment, and never again to sit in parliament, or come within the verge of the court.

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THIS dreadful sentence, dreadful to a man of nice sensibility to honor, he survived five years; and being released in a little time from the Tower, his genius, yet unbroken, supported itself amidst involved circumstances and a depressed spirit, and shone out in literary productions, which have made his guilt or weaknesses be forgotten or overlooked by posterity. In consideration of his

C H A P. great merit, the king remitted his fine, as well
 XLVIII. as all the other parts of his sentence, conferred
 1621. on him a large pension of 1800 pounds a-year,
 and employed every expedient to alleviate the
 weight of his age and misfortunes. And that great
 philosopher, at last, acknowledged with regret,
 that he had too long neglected the true ambition
 of a fine genius; and by plunging into business
 and affairs, which require much less capacity,
 but greater firmness of mind, than the pursuits
 of learning, had exposed himself to such grievous
 calamities ²⁵.

THE commons had entertained the idea, that
 they were the great patrons of the people, and
 that the redress of all grievances must proceed
 from them; and to this principle they were
 chiefly beholden for the regard and consideration
 of the public. In the execution of this office,
 they now kept their ears open to complaints of
 every kind; and they carried their researches into
 many grievances, which, though of no great
 importance, could not be touched on, without
 sensibly affecting the king and his ministers. The
 prerogative seemed every moment to be invaded;
 the king's authority, in every article, was disputed;
 and James, who was willing to correct the abuses

²⁵ It is thought, that appeals from chancery to the
 house of peers first came into practice, while Bacon held
 the great seal. Appeals, under the form of *writs of error*,
 had long before lain against the courts of law. Blackstone's
 Commentary, vol. iii. p. 454.

of his power, would not submit to have his power itself questioned and denied. After the house, therefore, had sitten near six months, and had, as yet brought no considerable business to a full conclusion, the king resolved, under pretence of the advanced season, to interrupt their proceedings; and he sent them word, that he was determined, in a little time, to adjourn them till next winter. The commons made application to the lords, and desired them to join in a petition for delaying the adjournment; which was refused by the upper house. The king regarded this project of a joint petition as an attempt to force him from his measures: He thanked the peers for their refusal to concur in it, and told them, that, if it were their desire, he would delay the adjournment, but would not so far comply with the request of the lower house²⁶. And thus, in these great national affairs, the same peevishness, which, in private altercations, often raises a quarrel from the smallest beginnings, produced a mutual coldness and disgust between the king and the commons.

DURING the recess of parliament, the king used every measure to render himself popular with the nation, and to appease the rising ill humor of their representatives. He had voluntarily offered the parliament to circumscribe his own prerogative, and to abrogate for the future his power of granting monopolies. He now recalled all the patents of that kind, and redressed every

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Rupture between the king and the commons.

²⁶ Rushworth, vol. i. p. 35.

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article of grievance, to the number of thirty-seven, which had ever been complained of in the house of commons ²⁷. But he gained not the end which he proposed. The disgust, which had appeared at parting, could not so suddenly be dispelled. He had likewise been so imprudent as to commit to prison Sir Edwin Sandys ²⁸, without any known cause, besides his activity and vigor in discharging his duty as member of parliament. And above all, the transactions in Germany were sufficient, when joined to the king's cautions, negotiations, and delays, to inflame that jealousy of honor and religion, which prevailed throughout the nation ²⁹. This summer, the ban of the empire had been published against the elector Palatine; and the execution

²⁷ Rushworth, vol. i. p. 36. Kennet, p. 733.

²⁸ Journ. 1 Dec. 1621.

²⁹ To show to what degree the nation was inflamed with regard to the Palatinate, there occurs a remarkable story this session. One Floyd, a prisoner in the Fleet, a catholic, had dropped some expressions, in private conversation, as if he were pleased with the misfortunes of the Palatine and his wife. The commons were in a flame; and pretending to be a court of judicature and of record, proceeded to condemn him to a severe punishment. The house of lords checked this encroachment; and what was extraordinary, considering the present humor of the lower house, the latter acquiesced in the sentiments of the peers. This is almost the only pretension of the English commons, in which they have not prevailed. Happily for the nation, they have been successful in almost all their other claims. See Parliamentary history, vol. v. p. 428, 429, &c. Journ. 4. 8. 12 May, 1621.

of it was committed to the duke of Bavaria ³⁰. C H A P.
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 The Upper Palatinate was, in a little time, conquered by that prince; and measures were taking in the empire for bestowing on him the electoral dignity, of which the Palatine was despoiled. Frederic now lived with his numerous family, in poverty and distress, either in Holland, or at Sedan with his uncle the duke of Bouillon. And throughout all the new conquests, in both the Palatinates, as well as in Bohemia, Austria, Lusatia, the progress of the Austrian arms was attended with rigors and severities, exercised against the professors of the reformed religion.

THE zeal of the commons immediately moved them, upon their assembling, to take all these transactions into consideration. They framed a remonstrance, which they intended to carry to the king. They represented, that the enormous growth of the Austrian power threatened the liberties of Europe; that the progress of the catholic religion in England bred the most melancholy apprehensions, lest it should again acquire an ascendant in the kingdom; that the indulgence of his majesty towards the professors of that religion had encouraged their insolence and temerity; that the uncontrouled conquests, made by the Austrian family in Germany, raised mighty expectations in the English papists; but above all, that the prospect of the Spanish match elevated them so far as to hope for an entire toleration,

³⁰ Franklyn, p. 73.

C H A P. if not the final re-establishment of their religion.
 XLVIII. The commons, therefore, entreated his majesty,
 1621. that he would immediately undertake the defence
 of the Palatine, and maintain it by force of arms;
 that he would turn his sword against Spain,
 whose armies and treasures were the chief support
 of the catholic interest in Europe; that he
 would enter into no negociation for the marriage
 of his son but with a protestant princess; that
 the children of popish recusants should be taken
 from their parents, and be committed to the care
 of protestant teachers and schoolmasters; and
 that the fines and confiscations, to which the
 catholics were by law liable, should be levied
 with the utmost severity³¹.

By this *bold* step, unprecedented in England
 for many years, and scarcely ever heard of in
 peaceable times, the commons attacked at once
 all the king's favorite maxims of government; his
 cautious and pacific measures, his lenity towards
 the Romish religion, and his attachment to the
 Spanish alliance, from which he promised himself
 such mighty advantages. But what most disgusted
 him was, their seeming invasion of his prerogative,
 and their pretending, under color of advice, to
 direct his conduct in such points, as had ever
 been acknowledged to belong solely to the ma-
 nagement and direction of the sovereign. He
 was, at that time, absent at Newmarket; but as

³¹ Franklyn, p. 58, 59. Rushworth, vol. i. p. 40, 41.
 Kennet, p. 737.

soon as he heard of the intended remonstrance of the commons, he wrote a letter to the speaker, in which he sharply rebuked the house for openly debating matters far above their reach and capacity, and he strictly forbade them to meddle with any thing that regarded his government or deep matters of state, and especially not to touch on his son's marriage with the daughter of Spain, nor to attack the honor of that king or any other of his friends and confederates. In order the more to intimidate them, he mentioned the imprisonment of Sir Edwin Sandys; and though he denied, that the confinement of that member had been owing to any offence committed in the house, he plainly told them, that he thought himself fully entitled to punish every misdemeanor in parliament, as well during its sitting as after its dissolution; and that he intended thenceforward to chastise any man, whose insolent behaviour there should minister occasion of offence ³².

THIS *violent* letter, in which the king, though he here imitated former precedents, may be thought not to have acted altogether on the defensive, had the effect, which might naturally have been expected from it: The commons were inflamed, not terrified. Secure of their own popularity, and of the bent of the nation towards a war with the catholics abroad, and the persecution of popery at home, they little dreaded the menaces of a prince, who was unsupported

³² Franklyn, p. 60. Rushworth, vol. i. p. 43. Kennet, p. 741.
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C H A P. XLVIII. 1621. by military force, and whose gentle temper would, of itself, so soon disarm his severity. In a new remonstrance, therefore, they still insisted on their former remonstrance and advice; and they maintained, though in respectful terms, that they were entitled to interpose with their counsel in all matters of government; that to possess entire freedom of speech, in their debates on public business, was their ancient and undoubted right, and an inheritance transmitted to them from their ancestors; and that, if any member abused this liberty, it belonged to the house alone, who were witnesses of his offence, to inflict a proper censure upon him ³³.

So *vigorous* an answer was nowise calculated to appease the king. It is said, when the approach of the committee, who were to present it, was notified to him, he ordered twelve chairs to be brought: For that there were so many kings a coming ³⁴. His answer was prompt and sharp. He told the house, that their remonstrance was more like a denunciation of war than an address of dutiful subjects; that their pretension to inquire into all state-affairs, without exception, was such a *plenipotence* as none of their ancestors, even during the reign of the weakest princes, had ever pretended to; that public transactions depended on a complication of views and intelligence, with which they were entirely unacquaint-

³³ Franklyn, p. 60. Rushworth, vol. i. p. 44. Kennet, p. 741.

³⁴ Kennet, p. 743.

ed; that they could not better show their wisdom as well as duty, than by keeping within their proper ³⁵ sphere; and that in any business, which depended on his prerogative, they had no title to interpose with their advice, except when he was pleased to desire it. And he concluded with these memorable words; *And though we cannot allow of your style, in mentioning your ancient and undoubted right and inheritance, but would rather have wished, that ye had said, that your privileges were derived from the grace and permission of our ancestors and us (for the most of them grew from precedents, which shows rather a toleration than inheritance); yet we are pleased to give you our royal assurance, that as long as you contain yourselves within the limits of your duty, we will be as careful to maintain and preserve your lawful liberties and privileges as ever any of our predecessors were, nay, as to preserve our own royal prerogative* ³⁶.

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THIS open pretension of the king's naturally gave great alarm to the house of commons. They saw their title to every privilege, if not plainly denied, yet considered, at least, as precarious. It might be forfeited by abuse, and they had already abused it. They thought proper, therefore, immediately to oppose pretension to preten-

³⁵ *Ne sutor ultra crepidam.* This expression is imagined to be insolent and disobliging: But it was a Latin proverb familiarly used on all occasions.

³⁶ Franklyn, p. 62, 63, 64. Rushworth, vol. i. p. 46, 47, &c. Kennet, p. 743.

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18th Dec.
Protestation
of the com-
mons.

fion. They framed a protestation, in which they repeated all their former claims for freedom of speech, and an unbounded authority to interpose with their advice and counsel. And they asserted, *That the liberties, franchises, privileges, and jurisdictions of parliament, are the ancient and undoubted birth-right and inheritance of the subjects of England*³⁷.

THE king, informed of these increasing heats and jealousies in the house, hurried to town. He sent immediately for the journals of the commons; and, with his own hand, before the council, he tore out this protestation³⁸; and ordered his reasons to be inserted in the council-book. He was doubly displeased, he said, with the protestation of the lower house, on account of the manner of framing it, as well as of the matter which it contained. It was tumultuously voted, at a late hour, and in a thin house; and it was expressed in such general and ambiguous terms, as might serve for a foundation to the most enormous claims, and to the most unwarrantable usurpations upon his prerogative³⁹.

THE meeting of the house might have proved dangerous after so violent a breach. It was no longer possible, while men were in such a temper, to finish any business. The king, therefore, prorogued the parliament, and soon after dissolved it by proclamation; in which he also made an apology to the public for his whole conduct.

³⁷ See note [L] at the end of the volume.

³⁸ Journ. 18 Dec. 1621.

³⁹ Franklyn, p. 65.

THE leading members of the house, Sir Edward Coke and Sir Robert Philips, were committed to the Tower; Selden, Pym, and Mallory, to other prisons ⁴⁰. As a lighter punishment, Sir Dudley Digges, Sir Thomas Crew, Sir Nathaniel Rich, Sir James Perrot, joined in commission with others, were sent to Ireland, in order to execute some business ⁴¹. The king, at that time, enjoyed, at least exercised, the prerogative of employing any man, even without his consent, in any branch of public service.

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SIR John Savile, a powerful man in the house of commons, and a zealous opponent of the court, was made comptroller of the household, a privy counsellor, and soon after, a baron ⁴². This event is memorable; as being the first instance, perhaps, in the whole history of England, of any king's advancing a man, on account of parliamentary interest, and of opposition to his measures. However irregular this practice, it will be regarded by political reasoners, as one of the most early and most infallible symptoms of a regular established liberty.

THE king having thus, with so rash and indiscreet a hand, torn off that sacred veil, which had hitherto covered the English constitution, and which threw an obscurity upon it, so advantageous to royal prerogative, every man began

⁴⁰ Franklyn, p. 66. Rushworth, vol. i. p. 55.

⁴¹ Franklyn, p. 66. Rushworth, vol. i. p. 55.

⁴² Kennet, p. 749.

C H A P. XLVIII. 1621. to indulge himself in political reasonings and inquiries; and the same factions, which commenced in parliament, were propagated throughout the nation. In vain did James, by re-iterated proclamations, forbid the discoursing of state affairs⁴³. Such proclamations, if they had any effect, served rather to inflame the curiosity of the public. And in every company or society, the late transactions became the subject of argument and debate.

ALL history, said the partisans of the court, as well as the history of England, justify the king's position with regard to the origin of popular privileges; and every reasonable man must allow, that, as monarchy is the most simple form of government, it must first have occurred to rude and uninstructed mankind. The other complicated and artificial additions were the successive invention of sovereigns and legislators; or, if they were obtruded on the prince by seditious subjects, their origin must appear, on that very account, still more precarious and unfavorable. In England, the authority of the king, in all the exterior forms of government and in the common style of law, appears totally absolute and sovereign; nor does the real spirit of the constitution, as it has ever discovered itself in practice, fall

⁴³ Franklyn, p. 56. Rushworth, vol. i. p. 21. 36. 55. The king also, in imitation of his predecessors, gave rules to preachers. Franklyn, p. 70. The pulpit was at that time much more dangerous than the press. Few people could read, and still fewer were in the practice of reading.

much short of these appearances. The parliament C H A P.
 is created by his will; by his will it is dissolved. XLVIII.
 It is his will alone, though at the desire of both 1621.
 houses, which gives authority to laws. To all
 foreign nations, the majesty of the monarch seems
 to merit sole attention and regard. And no sub-
 ject, who has exposed himself to royal indigna-
 tion, can hope to live with safety in the kingdom;
 nor can he even leave it, according to law,
 without the consent of his master. If a magistrate,
 environed with such power and splendor, should
 consider his authority as sacred, and regard himself
 as the anointed of heaven, his pretensions may
 bear a very favorable construction. Or, allowing
 them to be merely pious frauds, we need not be
 surpris'd, that the same stratagem which was
 practis'd by Minos, Numa, and the most cele-
 brated legislators of antiquity, should now, in
 these restless and inquisitive times, be employed
 by the king of England. Subjects are not rais'd
 above that quality, though assembled in parlia-
 ment. The same humble respect and deference is
 still due to their prince. Though he indulges
 them in the privilege of laying before him their
 domestic grievances, with which they are sup-
 posed to be best acquainted, this warrants not
 their bold intrusion into every province of govern-
 ment. And, to all judicious examiners, it must
 appear, "That the lines of duty are as much
 "transgressed by a more independent and less
 "respectful exercise of acknowledged powers, as

C H A P. “ by the usurpation of such as are new and
 XLVIII. “ unusual.”

1621.

THE lovers of liberty, throughout the nation, reasoned after a different manner. It is in vain, said they, that the king traces up the English government to its first origin, in order to represent the privileges of parliament as dependent and precarious: Prescription and the practice of so many ages, must, long ere this time, have given a sanction to these assemblies, even though they had been derived from an origin no more dignified, than that which he assigns them. If the written records of the English nation, as asserted, represent parliaments to have arisen from the consent of monarchs, the principles of human nature, when we trace government a step higher, must show us, that monarchs themselves owe all their authority to the voluntary submission of the people. But, in fact, no age can be shown, when the English government was altogether an unmixed monarchy: And if the privileges of the nation have, at any period, been overpowered by violent irruptions of foreign force or domestic usurpation; the generous spirit of the people has ever seized the first opportunity of re-establishing the ancient government and constitution. Though in the style of the laws, and in the usual forms of administration, royal authority may be represented as sacred and supreme; whatever is essential to the exercise of sovereign and legislative power, must still be regarded as equally divine and inviolable. Or, if any distinction be made in this

respect, the preference is surely due to those national councils, by whose interposition the exorbitancies of tyrannical power are restrained, and that sacred liberty is preserved, which heroic spirits, in all ages, have deemed more precious than life itself. Nor is it sufficient to say, that the mild and equitable administration of James, affords little occasion, or no occasion of complaint. How moderate soever the exercise of his prerogative, how exact soever his observance of the laws and constitution; "If he founds his authority
 " on arbitrary and dangerous principles, it is
 " requisite to watch him with the same care,
 " and to oppose him with the same vigor, as if
 " he had indulged himself in all the excesses of
 " cruelty and tyranny."

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AMIDST these disputes, the wise and moderate in the nation endeavoured to preserve, as much as possible, an equitable neutrality between the opposite parties; and the more they reflected on the course of public affairs, the greater difficulty they found in fixing just sentiments with regard to them. On the one hand, they regarded the very rise of parties as a happy prognostic of the establishment of liberty; nor could they ever expect to enjoy, in a mixed government, so invaluable a blessing, without suffering that inconvenience, which, in such governments, has ever attended it. But, when they considered, on the other hand, the necessary aims and pursuits of both parties, they were struck with apprehension of the consequences, and could

C H A P. discover no feasible plan of accommodation be-
 XLVIII. tween them. From long practice, the crown was
 1621. now possessed of so exorbitant a prerogative, that
 it was not sufficient for liberty to remain on the
 defensive, or endeavour to secure the little ground,
 which was left her: It was become necessary to
 carry on an offensive war, and to circumscribe,
 within more narrow, as well as more exact
 bounds, the authority of the sovereign. Upon
 such provocation, it could not but happen, that
 the prince, however just and moderate, would
 endeavour to repress his opponents; and, as he
 stood upon the very brink of arbitrary power,
 it was to be feared that he would, hastily and
 unknowingly, pass those limits, which were not
 precisely marked by the constitution. The tur-
 bulent government of England, ever fluctuating
 between privilege and prerogative, would afford
 a variety of precedents, which might be pleaded
 on both sides. In such delicate questions, the
 people must be divided: The arms of the state
 were still in their hands: A civil war must ensue;
 a civil war, where no party or both parties would
 justly bear the blame, and where the good and
 virtuous would scarcely know what vows to
 form; were it not that liberty, so necessary to
 the perfection of human society, would be suffi-
 cient to bias their affections towards the side of
 its defenders.

C H A P. XLIX.

Negotiations with regard to the marriage and the Palatinate — Character of Buckingham — Prince's journey to Spain — Marriage treaty broken — A parliament — Return of Bristol — Rupture with Spain — Treaty with France — Mansfeld's expedition — Death of the king — His character.

TO wrest the Palatinate from the hands of the emperor and the duke of Bavaria, must always have been regarded as a difficult task for the power of England, conducted by so unwarlike a prince as James: It was plainly impossible, while the breach subsisted between him and the commons. The king's negotiations, therefore, had they been managed with ever so great dexterity, must now carry less weight with them; and it was easy to elude all his applications. When lord Digby, his ambassador to the emperor, had desired a cessation of hostilities, he was referred to the duke of Bavaria, who commanded the Austrian armies. The duke of Bavaria told him, that it was entirely superfluous to form any treaty for that purpose. *Hostilities are already ceased, said he; and I doubt not but I shall be able to prevent their revival by keeping firm possession of the Palatinate, till a final agreement shall be concluded between the contending parties*¹. Notwithstanding

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1622.

Negocia-
tions with
regard to the
marriage
and the
Palatinate;

¹ Franklyn, p. 57. Rushworth, vol. i. p. 38.

C H A P. XLIX. 1622. this insult, James endeavoured to resume with the emperor a treaty of accommodation; and he opened the negociations at Brussels, under the mediation of archduke Albert, and, after his death, which happened about this time, under that of the Infanta: When the conferences were entered upon, it was found, that the powers of these princes to determine in the controversy were not sufficient or satisfactory. Schwartzembourg, the Imperial minister, was expected at London; and it was hoped that he would bring more ample authority: His commission referred entirely to the negociation at Brussels. It was not difficult for the king to perceive, that his applications were neglected by the emperor: but as he had no choice of any other expedient, and it seemed the interest of his son-in-law to keep alive his pretensions, he was still content to follow Ferdinand through all his shifts and evasions. Nor was he entirely discouraged, even when the Imperial diet at Ratisbon, by the influence, or rather authority of the emperor, though contrary to the protestation of Saxony and of all the protestant princes and cities, had transferred the electoral dignity from the Palatine to the duke of Bavaria.

MEANWHILE, the efforts made by Frederic, for the recovery of his dominions, were vigorous. Three armies were levied in Germany by his authority, under three commanders, duke Christian of Brunswick, the prince of Baden-Dourlach, and count Mansfeld. The two former generals

were defeated by count Tilly and the Imperialists: C H A P.
 The third, though much inferior in force to his XLIX.
 enemies, still maintained the war; but with no 1622.
 equal supplies of money either from the Palatine
 or the king of England. It was chiefly by pillage
 and free quarters in the Palatinate, that he sub-
 sisted his army. As the Austrians were regularly
 paid, they were kept in more exact discipline;
 and James justly became apprehensive, lest so un-
 equal a contest, besides ravaging the Palatine's
 hereditary dominions, would end in the total
 alienation of the people's affections from their
 ancient sovereign, by whom they were plundered,
 and in an attachment to their new masters, by
 whom they were protected². He persuaded there-
 fore his son-in-law to disarm, under color of
 duty and submission to the emperor: And accord-
 ingly, Mansfeld was dismissed from the Palatine's
 service; and that famous general withdrew his
 army into the Low Countries, and there received
 a commission from the States of the United Pro-
 vinces.

To show how little account was made of James's
 negotiations abroad, there is a pleasantry mentioned
 by all historians, which for that reason, shall
 have place here. In a farce, acted at Brussels, a
 courier was introduced carrying the doleful news,
 that the Palatinate would soon be wrested from
 the house of Austria; so powerful were the
 succours, which, from all quarters, were hasten-

² Parl. Hist. vol. v. p. 484.

G H A P. ing to the relief of the despoiled elector, the king
 XLIX. of Denmark had agreed to contribute to his
 1622. assistance a hundred thousand pickled herrings,
 the Dutch a hundred thousand butter-boxes,
 and the king of England a hundred thousand am-
 bassadors. On other occasions, he was painted
 with a scabbard, but without a sword; or with
 a sword, which nobody could draw, though
 several were pulling at it³.

It was not from his negotiations with the emperor or the duke of Bavaria, that James expected any success in his project of restoring the Palatine: His eyes were entirely turned towards Spain; and if he could effect his son's marriage with the Infanta, he doubted not, but that, after so intimate a conjunction, this other point could easily be obtained. The negotiations of that court being commonly dilatory, it was not easy for a prince of so little penetration in business, to distinguish, whether the difficulties, which occurred, were real or affected; and he was surprised, after negotiating five years on so simple a demand, that he was not more advanced than at the beginning. A dispensation from Rome was requisite for the marriage of the Infanta with a protestant prince; and the king of Spain, having undertaken to procure that dispensation, had thereby acquired the means of retarding at pleasure, or of forwarding the marriage, and at the same time of concealing entirely his artifices from the court of England.

³ Kennet, p. 749.

IN order to remove all obstacles, James dispatched Digby, soon after created earl of Bristol, as his ambassador to Philip IV. who had lately succeeded his father in the crown of Spain. He secretly employed Gage as his agent at Rome, and finding that the difference of religion was the principal, if not the sole difficulty, which retarded the marriage, he resolved to soften that objection as much as possible. He issued public orders for discharging all popish recusants who were imprisoned; and it was daily apprehended, that he would forbid, for the future, the execution of the penal laws enacted against them. For this step, so opposite to the rigid spirit of his subjects, he took care to apologize; and he even endeavoured to ascribe it to his great zeal for the reformed religion. He had been making applications, he said, to all foreign princes for some indulgence to the distressed protestants; and he was still answered by objections derived from the severity of the English laws against catholics*. It might indeed occur to him, that, if the extremity of religious zeal were ever to abate among christian sects, one of them must begin; and nothing would be more honorable for England, than to have led the way in sentiments so wise and moderate.

NOT only the religious puritans murmured at this tolerating measure of the king: The lovers of civil liberty were alarmed at so important an exertion of prerogative. But, among other dan-

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* Franklyn, p. 69. Rushworth, vol. i. p. 63.

CHAP. gerous articles of authority, the kings of England
 LXIX. were at that time possessed of the dispensing
 1622. power; at least, were in the constant practice of
 exercising it. Besides, though the royal prerogative in civil matters was then extensive, the princes, during some late reigns, had been accustomed to assume a still greater in ecclesiastical. And the king failed not to represent the toleration of catholics as a measure entirely of that nature.

By James's concession in favor of the catholics, he attained his end. The same religious motives which had hitherto rendered the court of Madrid insincere in all the steps taken with regard to the marriage, were now the chief cause of promoting it. By its means, it was there hoped, the English catholics would for the future enjoy ease and indulgence; and the Infanta would be the happy instrument of procuring to the church some tranquillity, after the many severe persecutions, which it had hitherto undergone. The earl of Bristol, a minister of vigilance and penetration, and who had formerly opposed all alliance with catholics⁵, was now fully convinced of the sincerity of Spain; and he was ready to congratulate the king on the entire completion of his views and projects⁶. A daughter of Spain, whom he represents as extremely accomplished, would soon, he said, arrive in England, and bring with her an immense fortune of two millions of pieces of eight, or 600,000 pounds sterling; a

⁵ Rushworth, vol. i. p. 292. ⁶ Ibid. p. 69.

sum four times greater than Spain had ever before given with any princeſs, and almoſt equal to all the money, which the parliament, during the whole courſe of this reign, had hitherto granted to the king. But what was of more importance to James's honor and happineſs, Briſtol conſidered this match as an infallible prognos tic of the Palatine's reſtoration; nor would Philip, he thought, ever have beſtowed his ſiſter and ſo large a fortune, under the proſpect of entering next day into a war with England. So exact was his intelligence, that the moſt ſecret counſels of the Spaniards, he ſaids, had never eſcaped him⁷; and he found that they had all along conſidered the marriage of the Infanta and the reſtitution of the Palatinate as meaſures cloſely connected, or altogether inſeparable⁸. However little calculated James's character to extort ſo vaſt a conſeſſion; however improper the meaſures which he had purſued for attaining that end; the ambaffador could not withſtand the plain evidence of facts, by which Philip now demonſtrated his ſincerity. Perhaps too, like a wiſe man, he conſidered, that reaſons of ſtate, which are ſuppoſed ſolely to influence the councils of monarchs, are not

⁷ Ruſhworth, vol. i. p. 272.

⁸ We find by private letters between Philip IV. and the Conde Olivarez, ſhown by the latter to Buckingham, that the marriage and the reſtitution of the Palatinate were always conſidered by the court of Spain as inſeparable. See Franklyn, p. 71, 72. Ruſhworth, vol. i. p. 71. 280. 299, 300. Parl. Hiſt. vol. vi. p. 66.

C H A P. always the motives, which there predominate;
XLIX. that the milder views of gratitude, honor, friend-
1622. ship, generosity, are frequently able, among
 princes as well as private persons, to counter-
 balance these selfish considerations; that the justice
 and moderation of James had been so conspicuous
 in all these transactions, his reliance on Spain,
 his confidence in her friendship, that he had at
 last obtained the cordial alliance of that nation;
 so celebrated for honor and fidelity. Or if politics
 must still be supposed the ruling motive of all
 public measures, the maritime power of England
 was so considerable, and the Spanish dominions
 so divided, as might well induce the council of
 Philip to think, that a sincere friendship with the
 masters of the sea could not be purchased by too
 great concessions⁹. And as James, during so
 many years, had been allured and seduced by
 hopes and protestations, his people enraged by
 delays and disappointments; it would probably
 occur, that there was now no medium left be-
 tween the most inveterate hatred and the most
 intimate alliance between the nations. Not to
 mention, that, as a new spirit began about this
 time to animate the councils of France, the
 friendship of England became every day more
 necessary to the greatness and security of the
 Spanish monarch.

ALL measures being, therefore, agreed on
 between the parties, nought was wanting but the

⁹ Franklyn, p. 72.

dispensation from Rome, which might be considered as a mere formality¹⁰. The king justified by success, now exulted in his pacific counsels, and boasted of his superior sagacity and penetration; when all these flattering prospects were blasted by the temerity of a man, whom he had fondly exalted from a private condition, to be the bane of himself, of his family, and of his people.

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EVER since the fall of Somerset, Buckingham had governed, with an uncontrouled sway, both the court and nation; and could James's eyes have been opened, he had now full opportunity of observing how unfit his favorite was for the high station, to which he was raised. Some accomplishments of a courtier he possessed: Of every talent of a minister he was utterly destitute. Headlong in his passions; and incapable equally of prudence and of dissimulation: Sincere from violence rather than candor; expensive from profusion more than generosity: A warm friend, a furious enemy; but without any choice or discernment in either: With these qualities he had early and quickly mounted to the highest rank; and partook at once of the insolence which attends a fortune newly acquired, and the impetuosity which belongs to persons born in high stations, and unacquainted with opposition.

Character
of Buck-
ingham.

AMONG those who had experienced the arrogance of this overgrown favorite, the prince of

1623.

¹⁰ Rushworth, vol. i. p. 66.

C H A P. Wales himself had not been entirely spared; and
 XLIX. a great coldness, if not an enmity, had, for that
 1623. reason, taken place between them. Buckingham,
 desirous of an opportunity, which might connect
 him with the prince, and overcome his aversion,
 and at the same time envious of the great credit
 acquired by Bristol in the Spanish negociation,
 bethought himself of an expedient, by which he
 might at once gratify both these inclinations. He
 represented to Charles, that persons of his exalted
 station were peculiarly unfortunate in their mar-
 riage, the chief circumstance of life; and com-
 monly received into their arms a bride, unknown
 to them, to whom they were unknown; not
 endeared by sympathy, not obliged by service;
 wooed by treaties alone, by negociations, by
 political interests: That however accomplished
 the Infanta, she must still consider herself as a
 melancholy victim of state, and could not but
 think with aversion of that day, when she was
 to enter the bed of a stranger; and passing into
 a foreign country and a new family; bid adieu
 for ever to her father's house and to her native
 land: That it was in the prince's power to soften
 all these rigors, and lay such an obligation on
 her, as would attach the most indifferent temper,
 as would warm the coldest affections: That his
 journey to Madrid would be an unexpected gal-
 lantry, which would equal all the fictions of
 Spanish romance, and suiting the amorous and
 enterprising character of that nation, must im-
 mediately introduce him to the princess under

the agreeable character of a devoted lover and daring adventurer: That the negotiations with regard to the Palatinate, which had hitherto languished in the hands of ministers, would quickly be terminated by so illustrious an agent, seconded by the mediation and entreaties of the grateful Infanta: That Spanish generosity, moved by that unexampled trust and confidence, would make concessions beyond what could be expected from political views and considerations: And that he would quickly return to the king with the glory of having re-established the unhappy Palatine, by the same enterprize, which procured him the affections and the person of the Spanish princess¹¹.

THE mind of the young prince, replete with candor, was inflamed by these generous and romantic ideas suggested by Buckingham. He agreed to make application to the king for his approbation. They chose the moment of his kindest and most jovial humor; and more by the earnestness which they expressed, than by the force of their reasons, they obtained a hasty and unguarded consent of their undertaking. And having engaged his promise to keep their purpose secret, they left him, in order to make preparations for the journey.

No sooner was the king alone, than his temper, more cautious than sanguine, suggested very different views of the matter, and represented every

¹¹ Clarendon, vol. i. p. 11, 12.

C H A P. XLIX. 1623. difficulty and danger, which could occur. He reflected, that, however the world might pardon this folly of youth in the prince, they would never forgive himself, who, at his years, and after his experience, could intrust his only son, the heir of his crown, the prop of his age, to the discretion of foreigners, without so much as providing the frail security of a safe conduct in his favor: That if the Spanish monarch were sincere in his professions, a few months must finish the treaty of marriage, and bring the Infanta into England; if he were not sincere, the folly was still more egregious of committing the prince into his hands: That Philip, when possessed of so invaluable a pledge, might well rise in his demands, and impose harder conditions of treaty: And that the temerity of the enterprise was so apparent, that the event, how prosperous soever, could not justify it; and if disastrous, it would render himself infamous to his people, and ridiculous to all posterity¹¹.

TORMENTED with these reflections, as soon as the prince and Buckingham returned for their dispatches, he informed them of all the reasons, which had determined him to change his resolution; and he begged them to desist from so foolish an adventure. The prince received the disappointment with sorrowful submission and silent tears: Buckingham presumed to speak in an imperious tone, which he had ever experienced

¹¹ Clarendon, vol. i. p. 14.

to, be prevalent over his too easy master. He told the king, that nobody for the future would believe any thing he said, when he retracted so soon the promise so solemnly given; that he plainly discerned this change of resolution to proceed from another breach of his word, in communicating the matter to some rascal, who had furnished him with those pitiful reasons which he had alleged, and he doubted not but he should hereafter know who his counsellor had been; and that if he receded from what he had promised, it would be such a disobligation to the prince, who had now set his heart upon the journey, after his majesty's approbation, that he could never forget it, nor forgive any man who had been the cause of it¹³.

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THE king, with great earnestness, fortified by many oaths, made his apology, by denying that he had communicated the matter to any; and finding himself assailed, as well by the boisterous importunities of Buckingham, as by the warm entreaties of his son, whose applications had hitherto, on other occasions, been always dutiful, never earnest; he had again the weakness to assent to their purposed journey. It was agreed that Sir Francis Cottington alone, the prince's secretary, and Endymion Porter, gentleman of his bed-chamber, should accompany them; and the former being at that time in the

¹³ Clarendon, vol. i. p. 16.

CHAP. anti-chamber, he was immediately called in by
XLIX. the king's orders.

1623.

JAMES told Cottington, that he had always been an honest man, and therefore he was now to trust him in an affair of the highest importance, which he was not, upon his life, to disclose to any man whatever. "Cottington," added he, "here is baby Charles and Stenny," (these ridiculous appellations he usually gave to the prince and Buckingham) "who have a great mind to go post into Spain, and fetch home the Infanta: They will have but two more in their company, and have chosen you for one. What think you of the journey?" Sir Francis, who was a prudent man, and had resided some years in Spain as the king's agent, was struck with all the obvious objections to such an enterprize, and scrupled not to declare them. The king threw himself upon his bed, and cried, *I told you this before*; and fell into a new passion and new lamentations, complaining that he was undone, and should lose baby Charles.

THE prince showed by his countenance, that he was extremely dissatisfied with Cottington's discourse; but Buckingham broke into an open passion against him. The king, he told him, asked him only of the journey, and of the manner of travelling; particulars, of which he might be a competent judge, having gone the road so often by post; but that he, without being called to it, had the presumption to give

his advice upon matters of state and against his master, which he should repent as long as he lived. A thousand other reproaches he added, which put the poor king into a new agony in behalf of a servant, who, he foresaw, would suffer for answering him honestly. Upon which he said with some emotion: *Nay, by God, Stenny, you are much to blame for using him so: He answered me directly to the question which I asked him, and very honestly and wisely; and yet, you know, he said no more than I told you, before he was called in.* However, after all this passion on both sides, James renewed his consent; and proper directions were given for the journey. Nor was he now at any loss to discover, that the whole intrigue was originally contrived by Buckingham, as well as pursued violently by his spirit and impetuosity.

THESE circumstances, which so well characterize the persons, seem to have been related by Cottington to lord Clarendon, from whom they are here transcribed; and though minute, are not undeserving of a place in history.

THE prince and Buckingham, with their two attendants, and Sir Richard Graham, master of horse to Buckingham, passed disguised and undiscovered through France; and they even ventured into a court-ball at Paris, where Charles saw the princess Henrietta, whom he afterwards espoused, and who was at that time in the bloom of youth and beauty. In eleven days after their departure from London, they arrived at Madrid;

C H A P.
XLIX.
1625.

7th March;
The prince's
journey to
Spain.

C H A P. and surpris'd every body by a step so unusual
 XLIX. among great princes. The Spanish monarch im-
 1623. mediately paid Charles a visit, expressed the
 utmost gratitude for the confidence reposed in
 him, and made warm protestations of a corre-
 spondent confidence and friendship. By the most
 studied civilities, he shew'd the respect which
 he bore to his royal guest. He gave him a golden
 key, which opened all his apartments, that the
 prince might, without any introduction, have
 access to him at all hours: He took the left
 hand of him on every occasion, except in the
 apartments assign'd to Charles; for there, he
 said, the prince was at home: Charles was in-
 troduced into the palace with the same pomp
 and ceremony that attends the kings of Spain on
 their coronation: The council received public
 orders to obey him as the king himself: Olivarez
 too, though a grandee of Spain, who has the
 right of being cover'd before his own king,
 would not put on his hat in the prince's pre-
 sence¹⁴: All the prisons of Spain were thrown
 open, and all the prisoners received their free-
 dom, as if the event, the most honorable and
 most fortunate, had happened to the monarchy¹⁵.
 And every sumptuary law with regard to apparel
 was suspended during Charles's residence in Spain.
 The Infanta, however, was only shewn to her
 lover in public; the Spanish ideas of decency

¹⁴ Franklyn, p. 73.¹⁵ Ibid. p. 74.

being so strict, as not to allow of any farther c H A P.
intercourse, till the arrival of the dispensation ¹⁶. XLIX.

THE point of honor was carried so far by 1623.
that generous people, that no attempt was
made, on account of the advantage which
they had acquired, of imposing any harder
conditions of treaty: Their pious zeal only
prompted them, on one occasion, to desire
more concessions in the religious articles; but,
upon the opposition of Bristol, accompanied with
some reproaches, they immediately desisted. The
Pope, however, hearing of the prince's arrival
in Madrid, tacked some new clauses to the dis-
pensation ¹⁷; and it became necessary to transmit
the articles to London, that the king might ratify
them. This treaty, which was made public,
consisted of several articles, chiefly regarding the
exercise of the catholic religion by the Infanta
and her household. Nothing could reasonably
be found fault with, except one article, in which
the king promised, that the children should be
educated by the princess, till ten years of age.
This condition could not be insisted on, but with
a view of seasoning their minds with catholic
principles; and though so tender an age seemed
a sufficient security against theological prejudices,
yet the same reason, which made the pope insert
that article, should have induced the king to
reject it.

BESIDES the public treaty, there were separate
articles, privately sworn to by the king; in

¹⁶ Rushworth, vol. i. p. 77.

¹⁷ Ibid. vol. i. p. 84.

C H A P. which he promised to suspend the penal laws
XLIX. enacted against catholics, to procure a repeal of
1623. them in parliament, and to grant a toleration for the exercise of the catholic religion in private houses ¹⁸. Great murmurs, we may believe, would have arisen against these articles, had they been made known to the public; since we find it to have been imputed as an enormous crime to the prince, that, having received, about this time, a very civil letter from the pope, he was induced to return a very civil answer ¹⁹.

MEANWHILE Gregory XV. who granted the dispensation died; and Urban VIII. was chosen in his place. Upon this event, the nuncio refused to deliver the dispensation, till it should be renewed by Urban; and that crafty pontiff delayed sending a new dispensation, in hopes, that, during the prince's residence in Spain, some expedient might be fallen upon to effect his conversion. The king of England, as well as the prince, became impatient. On the first hint, Charles obtained permission to return; and Philip graced his departure with all the circumstances of elaborate civility and respect, which had attended his reception. He even erected a pillar, on the spot where they took leave of each other, as a monument of mutual friendship; and the prince, having sworn to the observance of all the articles, entered on his journey, and embarked on board the English fleet at St Andero.

¹⁸ Franklyn, p. 80. Rushworth, vol. i. p. 89. Kennet, p. 769.

¹⁹ Rushworth, vol. i. p. 82. Franklyn, p. 77.

THE character of Charles, composed of decency, reserve, modesty, sobriety; virtues so agreeable to the manners of the Spaniards; the unparalleled confidence, which he had reposed in their nation; the romantic gallantry, which he had practised towards the princess; all these circumstances, joined to his youth and advantageous figure, had endeared him to the whole court of Madrid, and had impressed the most favorable ideas of him²⁰. But in the same proportion, that the prince was beloved and esteemed, was Buckingham despised and hated. His behaviour, composed of English familiarity, and French vivacity, his fallies of passion, his indecent freedoms with the prince, his dissolute pleasures, his arrogant, impetuous temper, which he neither could, nor cared to disguise; qualities like these, could, most of them, be esteemed no where, but to the Spaniards were the objects of peculiar aversion²¹. They could not conceal their surprise, that such a youth could intrude into a negotiation, now conducted to a period, by so accomplished a minister as Bristol, and could assume to himself all the merit of it. They lamented the Infanta's fate, who must be approached by a man, whose temerity seemed to respect no laws, divine or human²². And when they observed, that he had the imprudence to insult the Conde duke of Olivarez, their prime minister; every

C H A P.

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1623.

²⁰ Franklyn, p. 80. Rushworth, vol. i. p. 103.

²¹ Ibid. vol. i. p. 101. ²² Clarendon, vol. i. p. 36.

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one, who was ambitious of paying court to the Spanish, became desirous of showing a contempt for the English favorite.

THE duke of Buckingham told Olivarez, that his own attachment to the Spanish nation and to the king of Spain was extreme; that he would contribute to every measure, which could cement the friendship between England and them; and that his peculiar ambition would be to facilitate the prince's marriage with the Infanta. But, he added, with a sincerity equally insolent and indiscreet, *With regard to you, Sir, in particular, you must not consider me as your friend, but must ever expect from me all possible enmity and opposition.* The Conde duke replied, with a becoming dignity, that he very willingly accepted of what was proffered him: And on these terms the favorites parted ²³.

BUCKINGHAM, sensible how odious he was become to the Spaniards, and dreading the influence, which that nation would naturally acquire after the arrival of the Infanta, resolved to employ all his credit, in order to prevent the marriage. By what arguments he could engage the prince to offer such an insult to the Spanish nation, from whom he had met with such generous treatment, by what colors he could disguise the ingratitude, and imprudence of such a measure; these are totally unknown to us. We may only conjecture, that the many unavoidable cau-

²³ Rushworth, vol. i. p. 103. Clarendon, vol. i. p. 37.

ses of delay, which had so long prevented the arrival of the dispensation, had afforded to Buckingham a pretence for throwing on the Spaniards the imputation of insincerity in the whole treaty. It also appears, that his impetuous and domineering character had acquired, what it ever after maintained, a total ascendant over the gentle and modest temper of Charles; and, when the prince left Madrid, he was firmly determined, notwithstanding all his professions, to break off the treaty with Spain.

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1623.

IT is not likely, that Buckingham prevailed so easily with James to abandon a project, which, during so many years, had been the object of all his wishes, and which he had now unexpectedly conducted to a happy period²⁴. A rupture with Spain, the loss of two millions, were prospects little agreeable to this pacific and indigent monarch. But finding his only son bent against a match, which had always been opposed by his people and his parliament, he yielded to difficulties, which he had not courage or strength of mind sufficient to overcome. The prince therefore, and Buckingham, on their arrival at London, assumed entirely the direction of the negotiation; and it was their business to seek for pretences, by which they could give a color to their intended breach of treaty.

THOUGH the restitution of the Palatinate had ever been considered by James as a natural or

²⁴ Hacket's Life of Williams.

C H A P. necessary consequence of the Spanish alliance,
 XLIX. he had always forbidden his ministers to insist
 1623. on it as a preliminary article to the conclusion of
 the marriage treaty. He considered, that this
 principality was now in the hands of the emperor
 and the duke of Bavaria; and that it was no
 longer in the king of Spain's power, by a single
 stroke of his pen, to restore it to its ancient
 master. The strict alliance of Spain with these
 princes would engage Philip, he thought, to
 soften so disagreeable a demand by every art of
 negociation; and many articles must of necessity
 be adjusted, before such an important point could
 be effected. It was sufficient, in James's opinion,
 if the sincerity of the Spanish court could, for
 the present, be ascertained; and, dreading farther
 delays of the marriage, so long wished for, he
 was resolved to trust the Palatine's full restoration
 to the event of future counsels and deliberations²⁵.

THIS whole system of negociation, Buckingham now reversed; and he overturned every supposition, upon which the treaty had hitherto been conducted. After many fruitless artifices were employed to delay or prevent the espousals, Bristol received positive orders not to deliver the proxy, which had been left in his hands, or to finish the marriage, till security were given for the full restitution of the Palatinate²⁶. Philip understood this language. He had been ac-

²⁵ Parl. Hist. vol. vi. p. 57.

²⁶ Rushworth, vol. i. p. 105. Kennet, p. 776.

quainted with the disgust received by Buckingham; and deeming him a man capable of sacrificing, to his own ungovernable passions, the greatest interests of his master and of his country, he had expected, that the unbounded credit of that favorite would be employed to embroil the two nations. Determined, however, to throw the blame of the rupture entirely on the English, he delivered into Bristol's hand a written promise, by which he bound himself to procure the restoration of the Palatine, either by persuasion, or by every other possible means; and, when he found that this concession gave no satisfaction, he ordered the Infanta to lay aside the title of princess of Wales, which she bore after the arrival of the dispensation from Rome, and to drop the study of the English language²⁷. And thinking that such rash counsels, as now governed the court of England, would not stop at the breach of the marriage treaty, he ordered preparations for war immediately to be made, throughout all his dominions²⁸.

C H A P.
XLIX,
1623

Marriage
treaty
broken;

THUS James, having, by means inexplicable from the ordinary rules of politics, conducted, so near an honorable period, the marriage of his son and the restoration of his son-in-law, failed at last of his purpose, by means equally unaccountable.

BUT, though the expedients, already used by

²⁷ Franklyn, p. 80. Rushworth, vol. i. p. 112.

²⁸ Rushworth, vol. i. p. 114.

C H A P. Buckingham, were sufficiently inglorious, both
 XLIX. for himself and for the nation; it was necessary
 1624, for him, ere he could fully effect his purpose,
 to employ artifices still more dishonorable.

A parlia-
 ment,

29th Feb.

THE king, having broken with Spain, was obliged to concert new measures; and, without the assistance of parliament, no effectual step of any kind could be taken. The benevolence, which, during the interval, had been rigorously exacted for recovering the Palatinate, though levied for so popular an end, had procured to the king less money than ill-will from his subjects²⁹. Whatever discouragements, therefore, he might receive from his ill agreement with former parliaments, there was a necessity of summoning once more this assembly: and, it might be hoped, that the Spanish alliance, which gave such umbrage, being abandoned, the commons would now be better satisfied with the king's administration. In his speech to the houses, James dropped some hints of his causes of complaint against Spain; and he graciously condescended to ask the advice of parliament, which he had

²⁹ To show by what violent measures benevolences were usually raised, Johnstone tells us, in his *Rerum Britannicarum historia*, that Barnes a citizen of London, was the first who refused to contribute any thing; upon which, the treasurer sent him word, that he must immediately prepare himself to carry by post a dispatch into Ireland. The citizen was glad to make his peace by paying a hundred pounds; and no one durst afterwards refuse the benevolence required. See farther, Coke, p. 80.

ever before rejected, with regard to the conduct of so important an affair as his son's marriage³⁰. Buckingham delivered, to a committee of lords and commons, a long narrative, which he pretended to be true and complete, of every step taken in the negociations with Philip: But partly by the suppression of some facts, partly by the false coloring laid on others, this narrative was calculated entirely to mislead the parliament, and to throw on the court of Spain the reproach of artifice and insincerity. He said, that, after many years' negociation, the king found not himself any nearer his purpose; and that Bristol had never brought the treaty beyond general professions and declarations: That the prince, doubting the good intentions of Spain, resolved at last to take a journey to Madrid, and put the matter to the utmost trial: That he there found such artificial dealing as made him conclude all the steps taken towards the marriage to be false and deceitful: That the restitution of the Palatinate, which had ever been regarded by the king as an essential preliminary, was not seriously intended by Spain: And that, after enduring much bad usage, the prince was obliged to return to England, without any hopes, either of obtaining the Infanta, or of restoring the Elector Palatine³¹.

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³⁰ Franklyn, p. 79. Rushworth, vol. i. p. 115. Kennet, p. 778.

³¹ Franklyn, p. 89, 90, 91, &c. Rushworth, vol. i. p. 119, 120. &c. Parl. Hist. vol. vi. p. 20, 21, &c.

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THIS narrative, which, considering the importance of the occasion, and the solemnity of that assembly, to which it was delivered, deserves great blame, was yet vouched for truth by the prince of Wales, who was present; and the king himself lent it, indirectly, his authority, by telling the parliament, that it was by his orders Buckingham laid the whole affair before them. The conduct of these princes it is difficult fully to excuse. It is in vain to plead the youth and inexperience of Charles; unless his inexperience and youth, as is probable³², if not certain, really led him into error, and made him swallow all the falsties of Buckingham. And though the king was here hurried from his own measures by the impetuosity of others; nothing should have induced him to prostitute his character, and seem to vouch the impostures, at least false colorings, of his favorite; of which he had so good reason to entertain a suspicion³³.

BUCKINGHAM'S narrative, however artfully disguised, contained so many contradictory circumstances as were sufficient to open the eyes of all reasonable men; but it concurred so well with the passions and prejudices of the parliament,

³² See note [M] at the end of the volume.

³³ It must, however, be confessed, that the king afterwards warned the house not to take Buckingham's narrative for his, though it was laid before them by his order. Parl. Hist. vol. vi. p. 104. James was probably ashamed to have been carried so far by his favorite.

that no scruple was made of immediately adopting it³⁴. Charmed with having obtained at length the opportunity, so long wished for, of going to war with papists, they little thought of future consequences; but immediately advised the king to break off both treaties with Spain, as well that which regarded the marriage, as that for the restitution of the Palatinate³⁵. The people, ever greedy of war, till they suffer by it, displayed their triumph at these violent measures by public bonfires and rejoicings, and by insults on the Spanish ministers. Buckingham was now the favorite of the public and of the parliament. Sir Edward Coke, in the house of commons, called him the Saviour of the nation³⁶. Every place resounded with his praises. And he himself, intoxicated by a popularity, which he enjoyed so little time, and which he so ill deserved, violated all duty to his indulgent master, and entered into cabals with the puritanical members, who had ever opposed the royal authority. He even encouraged schemes for abolishing the order of bishops, and selling the dean and chapter lands, in order to defray the expenses of a Spanish war. And the king, though he still entertained projects for temporizing, and for forming an accommodation with Spain, was so borne down by the torrent of popular prejudices, conducted and

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³⁴ Parl. Hist. vol. vi. p. 75.

³⁵ Franklyn, p. 98. Rushworth, vol. i. p. 128. Parl. Hist. vol. vi. p. 103.

³⁶ Clarendon, vol. i. p. 6.

C H A P. increased by Buckingham, that he was at last
 XLIX. obliged, in a speech to parliament, to declare
 1624. in favor of hostile measures, if they would engage to support him³⁷. Doubts of their sincerity in this respect; doubts which the event showed not to be ill grounded; had probably been one cause of his former pacific and dilatory measures.

IN his speech on this occasion, the king began with lamenting his own unhappiness, that, having so long valued himself on the epithet of the pacific monarch, he should now, in his old age, be obliged to exchange the blessings of peace for the inevitable calamities of war. He represented to them the immense and continued expense, requisite for military armaments; and besides supplies, from time to time, as they should become necessary, he demanded a vote of six subsidies and twelve fifteenths, as a proper stock before the commencement of hostilities. He told them of his intolerable debts, chiefly contracted by the sums remitted to the Palatine³⁸; but he added, that he did not insist on any supply for his own relief, and that it was sufficient for him, if the honor and security of the public were provided for. To remove all suspicion, he, who had ever strenuously maintained his prerogative, and who had even extended it into some points esteemed doubtful, now made an imprudent con-

³⁷ Franklyn, p. 94, 95. Rushworth, vol. i. p. 129, 139.

³⁸ See note [N] at the end of the volume.

cession, of which the consequences might have proved fatal to royal authority: He voluntarily offered, that the money voted should be paid to a committee of parliament, and should be issued by them, without being intrusted to his management³⁹. The commons willingly accepted of this concession, so unusual in an English monarch; they voted him only three subsidies and three fifteenths⁴⁰: and they took no notice of the complaints, which he made, of his own wants and necessities.

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ADVANTAGE was also taken of the present good agreement between the king and parliament, in order to pass the bill against monopolies, which had formerly been encouraged by the king, but which had failed by the rupture between him and the last house of commons. This bill was conceived in such terms as to render it merely declaratory; and all monopolies were condemned, as contrary to law and to the known liberties of the people. It was there supposed, that every subject of England had entire power to dispose of his own actions, provided he did no injury to any of his fellow-subjects; and that no prerogative of the king, no power of any magistrate, nothing but the authority alone of laws, could restrain that unlimited freedom. The full prosecution of this noble principle into all its natural consequences, has at last, through many contests, produced

³⁹ Rushworth, vol. i. p. 137. ⁴⁰ Less than 300,000 pounds.

C H A P. that singular and happy government, which we
 XLIX. enjoy at present ⁴¹

1624.

THE house of commons also corroborated, by a new precedent, the important powers of impeachment, which, two years before, they had exercised, in the case of chancellor Bacon, and which had lain dormant for near two centuries, except when they served as instruments of royal vengeance. The earl of Middlesex had been raised, by Buckingham's interest, from the rank of a London merchant, to be treasurer of England; and, by his activity and address, seemed not unworthy of that preferment. But, as he incurred the displeasure of his patron, by scrupling or refusing some demands of money, during the prince's residence in Spain, that favorite vowed revenge, and employed all his credit among the commons to procure an impeachment of the treasurer. The king was extremely dissatisfied with this measure, and prophesied to the prince and duke, that they would live to have their fill of parliamentary prosecutions ⁴². In a speech to the parliament, he endeavoured to apologize for Middlesex, and to soften the accusation against him ⁴³. The charge, however, was still maintained by the commons; and the treasurer was found guilty by the peers, though the misdemeanors, proved against him, were neither numerous nor important. The accepting of two presents of five hundred pounds a-piece,

⁴¹ See note [O] at the end of the volume.

⁴² Clarendon, vol. i. p. 23. ⁴³ Parl. Hist. vol. vi. p. 19.

for passing two patents, was the article of greatest weight. His sentence was, to be fined 50,000 pounds for the king's use, and to suffer all the other penalties formerly inflicted upon Bacon. The fine was afterwards remitted by the prince, when he mounted the throne.

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THIS session, an address was also made, very disagreeable to the king, craving the severe execution of the laws against catholics. His answer was gracious and condescending⁴⁴; though he declared against persecution, as being an improper measure for the suppression of any religion, according to the received maxim, *That the blood of the martyrs was the seed of the church*. He also condemned an entire indulgence of the catholics; and seemed to represent a middle course, as the most humane and most politic. He went so far as even to affirm, with an oath, that he never had entertained any thoughts of granting a toleration to these religionists⁴⁵. The liberty of exercising their worship in private houses, which he had secretly agreed to in the Spanish treaty, did not appear to him deserving that name; and it was probably by means of this explication, he thought that he had saved his honor. And as Buckingham, in his narrative⁴⁶, confessed, that the king had agreed to a temporary suspension of the penal laws against the catholics, which he distinguished from a toleration, a term at that time

⁴⁴ Franklyn, p. 101, 102. ⁴⁵ See farther, Franklyn, p. 87. ⁴⁶ Parl. Hist. vol. vi. p. 37.

C H A P. extremely odious, James naturally deemed his
 XLIX. meaning to be sufficiently explained, and feared
 1624. not any reproach of falsehood or duplicity, on
 29th May. account of this asseveration. After all these trans-
 actions, the parliament was prorogued by the
 king, who let fall some hints, though in gentle
 terms, of the sense which he entertained of their
 unkindness, in not supplying his necessities⁴⁷.

JAMES, unable to resist so strong a combination
 as that of his people, his parliament, his son, and
 his favorite, had been compelled to embrace
 measures, for which, from temper as well as
 judgment, he had ever entertained a most settled
 aversion. Though he dissembled his resentment,
 he began to estrange himself from Buckingham,
 to whom he ascribed all those violent counsels,
 and whom he considered as the author, both
 of the prince's journey to Spain; and of the
 breach of the marriage treaty. The arrival of
 Bristol he impatiently longed for; and it was by
 the assistance of that minister, whose wisdom he
 respected, and whose views he approved, that
 he hoped in time to extricate himself from his
 present difficulties.

Return of
 Bristol.

DURING the prince's abode in Spain, that able
 negociator had ever opposed, though unsuccess-
 fully, to the impetuous measures suggested by
 Buckingham, his own wise and well tempered
 counsels. After Charles's departure, he still, upon
 the first appearance of a change of resolution,

⁴⁷ Franklyn, p. 103.

interposed his advice, and strenuously insisted on the sincerity of the Spaniards in the conduct of the treaty, as well as the advantages, which England must reap from the completion of it. Enraged to find, that his successful labors should be rendered abortive by the levities and caprices of an insolent minion, he would understand no hints; and nothing but express orders from his master could engage him to make that demand, which, he was sensible, must put a final period to the treaty. He was not therefore surprised to hear, that Buckingham had declared himself his open enemy, and on all occasions, had thrown out many violent reflections against him.

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NOTHING could be of greater consequence to Buckingham, than to keep Bristol at a distance both from the king and the parliament; lest the power of truth, enforced by so well-informed a speaker, should open scenes, which were but suspected by the former, and of which the latter had as yet entertained no manner of jealousy. He applied therefore to James, whose weakness, disguised to himself under the appearance of finesse and dissimulation, was now become absolutely incurable. A warrant for sending Bristol to the Tower was issued immediately upon his arrival in England¹¹; and though he was soon released from confinement, yet orders were carried him from the king, to retire to his country seat, and to abstain from all attendance in parliament. He

¹¹ Rushworth, vol. i. p. 145,

C H A P. XLIX. 1624. obeyed; but loudly demanded an opportunity of justifying himself, and of laying his whole conduct before his master. On all occasions, he protested his innocence, and threw on his enemy the blame of every miscarriage. Buckingham, and, at his instigation, the prince, declared, that they would be reconciled to Bristol, if he would but acknowledge his errors and ill-conduct: But the spirited nobleman, jealous of his honor, refused to buy favor at so high a price. James had the equity to say, that the insisting on that condition was a strain of unexampled tyranny: But Buckingham scrupled not to assert, with his usual presumption, that neither the king, the prince, nor himself, were as yet satisfied of Bristol's innocence ⁴⁹.

WHILE the attachment of the prince to Buckingham, while the timidity of James or the shame of changing his favorite, kept the whole court in awe; the Spanish ambassador, Inoiosa endeavoured to open the king's eyes, and to cure his fears, by instilling greater fears into him. He privately slipped into his hand a paper, and gave him a signal to read it alone. He there told him, that he was as much a prisoner at London as ever Francis I. was at Madrid; that the prince and Buckingham had conspired together, and had the whole court at their devotion; that cabals among the popular leaders in parliament were carrying on to the extreme prejudice of his authority; that

⁴⁹ Rushworth, vol. i. p. 259.

the project was to confine him to some of his hunting seats, and to commit the whole administration to Charles; and that it was necessary for him, by one vigorous effort, to vindicate his authority, and to punish those who had so long and so much abused his friendship and beneficence⁵⁰.

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WHAT credit James gave to this representation does not appear. He only discovered some faint symptoms, which he instantly retracted, of dissatisfaction with Buckingham. All his public measures, and all the alliances into which he entered, were founded on the system of enmity to the Austrian family, and of war to be carried on for the recovery of the Palatinate.

Rupture
with Spain.

THE states of the United Provinces were, at this time, governed by Maurice; and that aspiring prince, sensible that his credit would languish during peace, had, on the expiration of the twelve years' truce, renewed the war with the Spanish monarchy. His great capacity in the military art would have compensated the inferiority of his forces, had not the Spanish armies been commanded by Spinola, a general equally renowned for conduct, and more celebrated for enterprise and activity. In such a situation, nothing could be more welcome to the republic than the prospect of a rupture between James and the catholic king; and they flattered themselves, as well from the natural union of interests between them and

⁵⁰ Rushworth, vol. i. p. 144. Hacket's Life of Williams. Coke, p. 107.

C H A P. England, as from the influence of the present
 XLIX. conjuncture, that powerful succours would soon
 1624. march to their relief. Accordingly, an army of
 six thousand men was levied in England, and
 sent over to Holland, commanded by four young
 noblemen, Essex, Oxford, Southampton, and Wil-
 loughby, who were ambitious of distinguishing
 themselves in so popular a cause, and of acquiring
 military experience under so renowned a captain
 as Maurice.

Treaty with
 France.

It might reasonably have been expected, that,
 as religious zeal had made the recovery of the
 Palatinate appear a point of such vast importance
 in England; the same effect must have been pro-
 duced in France, by the force merely of political
 views and considerations. While that principality
 remained in the hands of the house of Austria,
 the French dominions were surrounded on all
 sides by the possessions of that ambitious family,
 and might be invaded by superior forces from
 every quarter. It concerned the king of France,
 therefore, to prevent the peaceable establishment
 of the emperor in his new conquests; and both
 by the situation and greater power of his state,
 he was much better enabled than James to give
 succour to the distressed Palatine⁵¹. But though
 these views escaped not Louis, nor cardinal
 Richlieu, who now began to acquire an ascendant
 in the French court; that minister was determined

⁵¹ See Collection of State Papers by the Earl of Clarendon, p. 393.

to pave the way for his enterprizes by first subduing the Hugonots, and thence to proceed, by mature counfels, to humble the house of Austria. The prospect, however, of a conjunction with England was presently embraced, and all imaginable encouragement was given to every proposal for conciliating a marriage between Charles and the princess Henrietta.

NOTWITHSTANDING the sensible experience, which James might have acquired of the unsurmountable antipathy, entertained by his subjects, against all alliance with catholics, he still persevered in the opinion, that his son would be degraded by receiving into his bed a princess of less than royal extraction. After the rupture, therefore, with Spain, nothing remained but an alliance with France; and to that court he immediately applied himself⁵². The same allurements had not here place, which had so long entangled him in the Spanish negociation: The portion promised was much inferior; and the peaceable restoration of the Palatine could not thence be expected. But James was afraid lest his son should be altogether disappointed of a bride; and therefore, as soon as the French king demanded, for the honor of his crown, the same terms which had been granted to the Spanish, he was prevailed with to comply. And as the prince, during his abode in Spain, had given a verbal promise to allow the Infanta the education of her children till the

⁵² Rushworth, vol. i. p. 152.

C H A P. age of thirteen, this article was here inserted in
 XLIX. the treaty; and to that imprudence is generally
 1624. imputed the present distressed condition of his
 posterity. The court of England, however, it
 must be confessed, always pretended, even in
 their memorials to the French court, that all the
 favorable conditions, granted to the catholics,
 were inserted in the marriage treaty merely to
 please the pope, and that their strict execution
 was, by an agreement with France, secretly dis-
 pensed with⁵³.

As much as the conclusion of the marriage
 treaty was acceptable to the king, as much were
 all the military enterprises disagreeable, both from
 the extreme difficulty of the undertaking in which
 he was engaged, and from his own incapacity for
 such a scene of action.

DURING the Spanish negociation, Heidelberg
 and Mannheim had been taken by the Imperial
 forces; and Frankendale, though the garrison was
 entirely English, was closely besieged by them.
 After reiterated remonstrances from James, Spain
 interposed, and procured a suspension of arms
 during eighteen months. But as Frankendale was
 the only place of Frederic's ancient dominions,
 which was still in his hands, Ferdinand, desirous
 of withdrawing his forces from the Palatinate,
 and of leaving that state in security, was unwil-
 ling that so important a fortress should remain
 in the possession of the enemy. To compromise

⁵³ See note [P] at the end of the volume.

all differences, it was agreed to sequestrate it in the hands of the Infanta as a neutral person; upon condition that, after the expiration of the truce, it should be delivered to Frederic, though peace should not, at that time, be concluded between him and Ferdinand.⁵⁴ After the unexpected rupture with Spain, the Infanta, when James demanded the execution of the treaty, offered him peaceable possession of Frankendale, and even promised a safe conduct for the garrison through the Spanish Netherlands: But there was some territory of the empire interposed between her state and the Palatinate; and for passage over that territory, no terms were stipulated.⁵⁵ By this chicane, which certainly had not been employed, if amity with Spain had been preserved, the Palatine was totally dispossessed of his patrimonial dominions.

THE English nation, however, and James's warlike council, were not discouraged. It was still determined to reconquer the Palatinate; a state lying in the midst of Germany, possessed entirely by the Emperor and duke of Bavaria, surrounded by potent enemies, and cut off from all communication with England. Count Mansfeld was taken into pay; and an English army of 12,000 foot and 200 horse was levied by a general press throughout the kingdom. During the negociation with France, vast promises had been made, though in general terms, by the

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Mansfeld's
Expeditions⁵⁴ Rushworth, vol. i. p. 74.⁵⁵ Idem, ibid. p. 151.

C H A P. French ministry; not only that a free passage
XLIX. should be granted to the English troops, but
 that powerful succours should also join them in
 their march towards the Palatinate. In England,
 all these professions were hastily interpreted to
 be positive engagements. The troops under
 Mansfeld's command were embarked at Dover;
December. but, upon sailing over to Calais, found no orders
 yet arrived for their admission. After waiting in
 vain during some time, they were obliged to
 sail towards Zealand; where it had also been
 neglected to concert proper measures for their
 disembarkation; and some scruples arose among
 the States on account of the scarcity of provisions.
 Meanwhile, a pestilential distemper crept in
 among the English forces, so long cooped up in
 narrow vessels. Half the army died while on
 board; and the other half, weakened by sickness,
 appeared too small a body to march into the
1625. Palatinate⁵⁶. And thus ended this ill-concerted
 and fruitless expedition; the only disaster which
 happened to England, during the prosperous and
 pacific reign of James.

THAT reign was now drawing towards a con-
 clusion. With peace, so successfully cultivated,
 and so passionately loved by this monarch, his
 life also terminated. This spring he was seized
 with a tertian ague; and, when encouraged by
 his courtiers with the common proverb, that
 such a distemper, during that season, was health

⁵⁶ Franklyn, p. 104. Rushworth, vol. i. p. 154
 Dugdale, p. 24.

for a king, he replied, that the proverb was meant of a young king. After some fits, he found himself extremely weakened, and sent for the prince, whom he exhorted to bear a tender affection for his wife, but to preserve a constancy in religion; to protect the church of England; and to extend his care towards the unhappy family of the Palatine ⁵⁷. With decency and courage, he prepared himself for his end; and he expired on the 27th of March, after a reign over England of twenty-two years and some days; and in the fifty-ninth year of his age. His reign over Scotland was almost of equal duration with his life. In all history, it would be difficult to find a reign less illustrious, yet more unspotted and unblemished than that of James in both kingdoms.

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1625.

Death of the
king.

No prince, so little enterprising and so inoffensive, was ever so much exposed to the opposite extremes of calumny and flattery, of satire and panegyric. And the factions, which began in his time, being still continued, have made his character be as much disputed to this day, as is commonly that of princes who are our contemporaries. Many virtues, however, it must be owned, he was possessed of; but scarce any of them pure, or free from the contagion of the neighbouring vices. His generosity bordered on profusion, his learning on pedantry, his pacific disposition on pusillanimity, his wisdom on cun-

His charac-
ter.

⁵⁷ Rushworth, vol. i. p. 155.

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ning, his friendship on light fancy and boyish fondness. While he imagined that he was only maintaining his own authority, he may perhaps be suspected, in a few of his actions, and still more of his pretensions, to have somewhat encroached on the liberties of his people: While he endeavoured, by an exact neutrality, to acquire the good will of all his neighbours, he was able to preserve fully the esteem and regard of none. His capacity was considerable; but fitter to discourse on general maxims than to conduct any intricate business: His intentions were just; but more adapted to the conduct of private life, than to the government of kingdoms. Aukward in his person, and ungainly in his manners, he was ill qualified to command respect; partial and undiscerning in his affections, he was little fitted to acquire general love. Of a feeble temper more than of a frail judgment: Exposed to our ridicule from his vanity; but exempt from our hatred by his freedom from pride and arrogance. And upon the whole, it may be pronounced of his character, that all his qualities were sullied with weakness and embellished by humanity. Of political courage he certainly was destitute; and thence chiefly is derived the strong prejudice, which prevails against his personal bravery: An inference, however, which must be owned, from general experience, to be extremely fallacious.

HE was only once married, to Anne of Denmark, who died on the 3d of March 1619, in the forty-fifth year of her age; a woman eminent neither

for her vices nor her virtues. She loved shows and expensive amusements; but possessed little taste in her pleasures. A great comet appeared about the time of her death; and the vulgar esteemed it the prognostic of that event. So considerable in their eyes are even the most insignificant princes.

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HE left only one son, Charles, then in the twenty-fifth year of his age; and one daughter, Elizabeth, married to the elector Palatine. She was aged twenty-nine years. Those alone remained of six legitimate children born to him. He never had any illegitimate; and he never discovered any tendency, even the smallest, towards a passion for any mistress.

THE archbishops of Canterbury during this reign were, Whytgift, who died in 1604; Bancroft, in 1610; Abbot, who survived the king. The chancellors, lord Ellesmore, who resigned in 1617; Bacon was first lord keeper till 1619; then was created chancellor, and was displaced in 1621; Williams, bishop of Lincoln, was created lord keeper in his place. The high treasurers were the earl of Dorset, who died in 1609; the earl of Salisbury, in 1612; the earl of Suffolk, fined and displaced for bribery in 1618; lord Mandeville, resigned in 1621; the earl of Middlesex, displaced in 1624; the earl of Marlborough succeeded. The lord admirals were, the earl of Nottingham, who resigned in 1618; the earl, afterwards duke of Buckingham. The secretaries of state were, the

C H A P. earl of Salisbury, Sir Ralph Winwood, Nanton,
 XLIX. Calvert, lord Conway, Sir Albertus Moreton.
 1625.

THE numbers of the house of lords, in the first parliament of this reign, were seventy-eight temporal peers. The numbers in the first parliament of Charles were ninety-seven. Consequently James, during that period, created nineteen new peerages above those that expired.

THE house of commons, in the first parliament of this reign, consisted of four hundred and sixty-seven members. It appears, that four boroughs revived their charters, which they had formerly neglected. And as the first parliament of Charles consisted of four hundred and ninety-four members, we may infer that James created ten new boroughs.

A P P E N D I X

T O T H E

REIGN OF JAMES I. *

*Civil government of England during this period —
Ecclesiastical government — Manners — Finances
— Navy — Commerce — Manufactures — Colonies
— Learning and arts.*

IT may not be improper, at this period, to make a pause : and to take a survey of the state of the kingdom, with regard to government, manners, finances, arms, trade, learning. Where a just notion is not formed of these particulars, history can be little instructive, and often will not be intelligible. Appendix.

WE may safely pronounce, that the English government, at the accession of the Scottish line, was much more arbitrary, than it is at present; the prerogative less limited, the liberties of the subject less accurately defined and secured. Without mentioning other particulars, the courts alone of high commission and star-chamber were sufficient to lay the whole kingdom at the mercy of the prince. Civil government of England.

* This history of the house of Stuart was written and published by the author before the history of the house of Tudor. Hence it happens that some passages, particularly, in the present Appendix, may seem to be repetitions of what was formerly delivered in the reign of Elizabeth. The author, in order to obviate this objection, has cancelled some few passages in the foregoing chapters.

Appendix.

THE court of high commission had been erected by Elizabeth, in consequence of an act of parliament, passed in the beginning of her reign : By this act, it was thought proper, during the great revolution, of religion, to arm the sovereign with full powers, in order to discourage and suppress opposition. All appeals from the inferior ecclesiastical courts were carried before the high commission; and, of consequence, the whole life and doctrine of the clergy lay directly under its inspection. Every breach of the act of uniformity, every refusal of the ceremonies, was cognizable in this court; and during the reign of Elizabeth, had been punished by deprivation, by fine, confiscation, and imprisonment. James contented himself with the gentler penalty of deprivation; nor was that punishment inflicted with rigor on every offender. Archbishop Spotswood tells us, that he was informed by Bancroft, the primate, several years after the king's accession, that not above forty-five clergymen had then been deprived. All the catholics too were liable to be punished by this court, if they exercised any act of their religion, or sent abroad their children or other relations, to receive that education, which they could not procure them in their own country. Popish priests were thrown into prison, and might be delivered over to the law, which punished them with death; though that severity had been sparingly exercised by Elizabeth, and never almost by James. In a word, that liberty of conscience, which we so highly and so

justly value at present, was totally suppressed; Appendix.
 and no exercise of any religion, but the established, was permitted throughout the kingdom. Any word or writing, which tended towards heresy or schism, was punishable by the high commissioners or any three of them: They alone were judges what expressions had that tendency: They proceeded not by information, but upon rumor, suspicion, or according to their discretion: They administered an oath, by which the party cited before them, was bound to answer any question, which should be propounded to him: Whoever refused this oath, though he pleaded ever so justly, that he might thereby be brought to accuse himself or his dearest friend, was punishable by imprisonment: And in short, an inquisitorial tribunal, with all its terrors and iniquities, was erected in the kingdom. Full discretionary powers were bestowed with regard to the inquiry, trial, sentence, and penalty inflicted; excepting only that corporal punishments were restrained by that patent of the prince, which erected the court, not by the act of parliament, which empowered him. By reason of the uncertain limits, which separate ecclesiastical from civil causes, all accusations of adultery and incest were tried by the court of high commission; and every complaint of wives against their husbands was there examined and discussed*. On like pretences, every cause which regarded conscience, that is, every cause,

* Rymer, tom. xvii. p. 200.

Appendix. could have been brought under their jurisdiction.

BUT there was a sufficient reason, why the king would not be solicitous to stretch the jurisdiction of this court : The star-chamber possessed the same authority in civil matters ; and its methods of proceeding were equally arbitrary and unlimited. The origin of this court was derived from the most remote antiquity² ; though it is pretended, that its power had first been carried to the greatest height by Henry VII. In all times, however, it is confessed, it enjoyed authority ; and at no time was its authority circumscribed, or method of proceeding directed, by any law or statute.

WE have had already, or shall have sufficient occasion, during the course of this history, to mention the dispensing power, the power of imprisonment, of exacting loans³ and benevolence, of pressing and quartering soldiers, of altering the customs, of erecting monopolies. These branches of power, if not directly opposite to the principles of all free government, must, at least, be acknowledged dangerous to freedom in a monarchical constitution, where an eternal jealousy must be pre-

² Rushworth, vol. ii. p. 473. In Chambers's case it was the unanimous opinion of the court of King's Bench, that the court of star-chamber was not derived from the statute of Henry VII. but was a court many years before, and one of the most high and honorable courts of justice. See Coke's rep. term. Mich. 5 Car. I. See further Camden's Brit. vol. i. introd. p. 254. Edit. of Gibson.

³ During several centuries, no reign had passed without some forced loans from the subject.

served against the sovereign, and no discretionary powers must ever be intrusted to him, by which the property or personal liberty of any subject can be affected. The kings of England, however, had almost constantly exercised these powers; and if, on any occasion, the prince had been obliged to submit to laws enacted against them, he had ever, in practice, eluded these laws, and returned to the same arbitrary administration. During almost three centuries before the accession of James, the regal authority, in all these particulars, had never once been called in question.

WE may also observe, that the principles in general which prevailed during that age, were so favorable to monarchy, that they bestowed on it an authority almost absolute and unlimited, sacred and indefeasible.

THE meetings of parliament were so precarious; their sessions so short, compared to the vacations; that, when men's eyes were turned upwards in search of sovereign power, the prince alone was apt to strike them as the only permanent magistrate, invested with the whole majesty and authority of the state. The great complaisance too of parliaments, during so long a period, had extremely degraded and obscured those assemblies: and as all instances of opposition to prerogative must have been drawn from a remote age, they were unknown to a great many, and had the less authority even with those, who were acquainted with them. These examples, besides, of liberty had commonly, in ancient times, been

Appendix. accompanied with such circumstances of violence, convulsion, civil war, and disorder, that they presented but a disagreeable idea to the inquisitive part of the people, and afforded small inducement to renew such dismal scenes. By a great many, therefore, monarchy, simple and unmixed, was conceived to be the government of England; and those popular assemblies were supposed to form only the ornament of the fabric, without being, in any degree, essential to its being and existence⁴. The prerogative of the crown was represented by lawyers as something real and durable; like those eternal essences of the schools, which no time or force could alter. The sanction of religion was, by divines, called in aid; and the monarch of heaven was supposed to be interested in supporting the authority of his earthly vicegerent. And though it is pretended, that these doctrines were more openly inculcated and more strenuously insisted on during the reign of the Stuarts, they were not then invented; and were only found by the court to be more necessary at that period, by reason of the opposite doctrines, which *began* to be promulgated by the puritanical party⁵.

IN consequence of these exalted ideas of kingly authority, the prerogative, besides the articles of jurisdiction, founded on precedent, was, by many supposed to possess an inexhaustible fund of

⁴ See note [Q] at the end of the volume.

⁵ See note [R] at the end of the volume.

latent powers, which might be exerted on any emergency. In every government, necessity, when real, supercedes all laws, and levels all limitations: But, in the English government, convenience alone was conceived to authorize any extraordinary act of regal power, and to render it obligatory on the people. Hence the strict obedience required to proclamations, during all periods of the English history; and, if James has incurred blame on account of his edicts, it is only because he too frequently issued them at a time, when they began to be less regarded, not because he first assumed or extended to an unusual degree that exercise of authority. Of his maxims in a parallel case, the following is a pretty remarkable instance.

QUEEN Elizabeth had appointed commissioners for the inspection of prisons, and had bestowed on them full discretionary powers to adjust all differences between prisoners and their creditors, to compound debts, and to give liberty to such debtors as they found honest, and insolvent. From the uncertain and undefined nature of the English constitution, doubts sprang up in many, that this commission was contrary to law; and it was represented in that light to James. He forebore therefore renewing the commission, till the fifteenth of his reign; when complaints rose so high, with regard to the abuses practised in prisons, that he thought himself obliged to overcome his scruples, and to appoint new com-

Appendix. missioners, invested with the same discretionary powers which Elizabeth had formerly conferred⁶.

UPON the whole, we must conceive that monarchy, on the accession of the house of Stuart, was possessed of a very extensive authority: An authority, in the judgment of all, not exactly limited; in the judgment of some, not limitable. But, at the same time, this authority was founded merely on the opinion of the people, influenced by ancient precedent and example. It was not supported either by money or by force of arms. And, for this reason, we need not wonder, that the princes of that line were so extremely jealous of their prerogative; being sensible, that, when those claims were ravished from them, they possessed no influence, by which they could maintain their dignity, or support the laws. By the changes, which have since been introduced, the liberty and independence of individuals has been rendered much more full, entire, and secure; that of the public more uncertain and precarious. And it seems a necessary, though perhaps a melancholy truth, that, in every government, the magistrate must either possess a large revenue and a military force, or enjoy some discretionary powers, in order to execute the laws, and support his own authority.

Ecclesiastical government.

WE have had occasion to remark, in so many instances, the bigotry which prevailed in that age, that we can look for no toleration among

⁶ Rymer, tom. xviii. p. 117. 594.

the different sects. Two Arians, under the title of heretics, were punished by fire during this period; and no one reign, since the reformation, had been free from like barbarities. Stowe says, that these Arians were offered their pardon at the stake, if they would merit it by a recantation. A madman, who called himself the Holy Ghost, was, without any indulgence for his frenzy, condemned to the same punishment. Twenty pounds a month could, by law, be levied on every one, who frequented not the established worship. This rigorous law, however, had one indulgent clause, that the fines exacted should not exceed two-thirds of the yearly income of the person. It had been usual for Elizabeth to allow those penalties to run on for several years; and to levy them all at once, to the utter ruin of such catholics as had incurred her displeasure. James was more humane in this, as in every other respect. The Puritans formed a sect, which secretly lurked in the church, but pretended not to any separate worship or discipline. An attempt of that kind would have been universally regarded as the most unpardonable enormity. And had the king been disposed to grant the Puritans a full toleration for a separate exercise of their religion, it is certain, from the spirit of the times, that this sect itself would have despised and hated him for it, and would have reproached him with luke-warmness and indifference in the cause of religion. They maintained, that they themselves were the only pure church; that their principles

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and practices ought to be established by law; and that no others ought to be tolerated. It may be questioned, therefore, whether the administration at this time could with propriety deserve the appellation of persecutors with regard to the Puritans. Such of the clergy, indeed, as refused to comply with the legal ceremonies, were deprived of their livings, and sometimes, in Elizabeth's reign, were otherwise punished: And ought any man to accept of an office or benefice in an establishment, while he declines compliance with the fixed and known rules of that establishment? But Puritans were never punished for frequenting separate congregations; because there were none such in the kingdom; and no protestant ever assumed or pretended to the right of erecting them. The greatest well-wishers of the puritanical sect would have condemned a practice, which in that age was universally, by statesmen and ecclesiastics, philosophers and zealots, regarded as subversive of civil society. Even so great a reasoner as lord Bacon, thought that uniformity in religion was absolutely necessary to the support of government, and that no toleration could with safety be given to sectaries⁷. Nothing but the imputation of idolatry, which was thrown on the catholic religion, could justify, in the eyes of the Puritans themselves, the schism made by the Hugonots and other protestants, who lived in popish countries.

⁷ See his essay *De unitate ecclesiae*.

IN

IN all former ages, not wholly excepting even those of Greece and Rome, religious sects and heresies and schisms, had been esteemed dangerous, if not pernicious to civil government, and were regarded as the source of faction, and private combination, and opposition to the laws^s. The magistrate, therefore, applied himself directly to the cure of this evil as of every other; and very naturally attempted, by penal statutes, to suppress those separate communities, and punish the obstinate innovators. But it was found by fatal experience, and after spilling an ocean of blood in those theological quarrels, that the evil was of a peculiar nature, and was both inflamed by violent remedies, and diffused itself more rapidly throughout the whole society. Hence, though late, arose the paradoxical principle and salutary practice of toleration.

THE liberty of the press was incompatible with such maxims and such principles of government, as then prevailed, and was therefore quite unknown in that age. Besides employing the two terrible courts of star-chamber and high commission, whose powers were unlimited; Queen Elizabeth exerted her authority by restraints upon the press. She passed a decree in her court of star-chamber, that is, by her own will and pleasure, forbidding any book to be printed in any place but in London, Oxford, and Cam-

^s See Cicero de legibus.

Appendix. bridge⁹: And another, in which she prohibited, under severe penalties, the publishing of any book or pamphlet *against the form or meaning of any restraint or ordinance, contained, or to be contained, in any statute or laws of this realm, or in any injunction made or set forth by her majesty or her privy-council, or against the true sense or meaning of any letters patent, commissions or prohibitions under the great seal of England*¹⁰. James extended the same penalties to the importing of such books from abroad¹¹. And to render these edicts more effectual, he afterwards inhibited the printing of any book without a licence from the archbishop of Canterbury, the archbishop of York, the bishop of London, or the vice-chancellor of one of the universities, or of some person appointed by them¹².

IN tracing the coherence among the systems of modern theology, we may observe, that the doctrine of absolute decrees has ever been intimately connected with the enthusiastic spirit; as that doctrine affords the highest subject of joy, triumph, and security to the supposed elect, and exalts them, by infinite degrees, above the rest of mankind. All the first reformers adopted these principles; and the Jansenists too, a fanatical sect in France, not to mention the Mahometans in Asia, have ever embraced them. As the Lutheran

⁹ 28th of Elizabeth. See State Trials. Sir Robert Knightly, vol. vii. edit. 1. ¹⁰ Rymer, tom. xvii. p. 522.

¹¹ Id. *ibid*.

¹² Rymer, tom. xvii. p. 616.

establishments were subjected to episcopal jurisdiction, their enthusiastic genius gradually decayed, and men had leisure to perceive the absurdity of supposing God to punish, by infinite torments, what he himself, from all eternity, had unchangeably decreed. The king, though, at this time, his Calvinistic education had rivetted him in the doctrine of absolute decrees, yet, being a zealous partisan of episcopacy, was insensibly engaged, towards the end of his reign, to favor the milder theology of Arminius. Even in so great a doctor the genius of the religion prevailed over its speculative tenets; and with him, the whole clergy gradually dropped the more rigid principles of absolute reprobation and unconditional decrees. Some noise was, at first, made about these innovations; but being drowned in the fury of factions and civil wars which ensued, the scholastic arguments made an insignificant figure amidst those violent disputes about civil and ecclesiastical power, with which the nation was agitated. And at the restoration, the church, though she still retained her old subscriptions and articles of faith, was found to have totally changed her speculative doctrines, and to have embraced tenets more suitable to the genius of her discipline and worship, without its being possible to assign the precise period, in which the alteration was produced.

It may be worth observing, that James, from his great desire to promote controversial divinity, erected a college at Chelsea for the entertainment

Appendix. of twenty persons, who should be entirely employed in refuting the papists and puritans¹³. All the efforts of the great Bacon could not procure an establishment for the cultivation of natural philosophy: Even to this day, no society has been instituted for the polishing and fixing of our language. The only encouragement, which the sovereign in England has ever given to any thing, that has the appearance of science, was this short-lived establishment of James; an institution quite superfluous, considering the unhappy propension, which, at that time, so universally possessed the nation for polemical theology.

Manners. THE manners of the nation were agreeable to the monarchical government, which prevailed; and contained not that strange mixture, which, at present, distinguishes England from all other countries. Such violent extremes were then unknown, of industry and debauchery, frugality and profusion, civility and rusticity, fanaticism and scepticism. Candor, sincerity, modesty are the only qualities, which the English of that age possessed in common with the present.

HIGH pride of family then prevailed; and it was by a dignity and stateliness of behaviour, that the gentry and nobility distinguished themselves from the common people. Great riches, acquired by commerce, were more rare, and had not, as yet been able to confound all ranks of men, and render money the chief foundation of distinc-

¹³ Kennet, p. 685. Camden's Brit. vol. i. p. 370. Gibson's edit.

tion. Much ceremony took place in the common intercourse of life, and little familiarity was indulged by the great. The advantages, which result from opulence, are so solid and real, that those who are possessed of them need not dread the near approaches of their inferiors. The distinctions of birth and title, being more empty and imaginary, soon vanish upon familiar access and acquaintance. Appendix.

THE expenses of the great consisted in pomp and show, and a numerous retinue, rather than in convenience and true pleasure. The earl of Nottingham, in his embassy to Spain, was attended by 500 persons: The earl of Hertford, in that to Brussels, carried 300 gentlemen along with him. Lord Bacon has remarked, that the English nobility, in his time, maintained a larger retinue of servants than the nobility of any other nation, except, perhaps, the Polanders ¹⁴.

CIVIL honors, which now hold the first place, were, at that time, subordinate to the military. The young gentry and nobility were fond of distinguishing themselves by arms. The fury of duels too prevailed more than at any time before or since ¹⁵. This was the turn, that the romantic chivalry, for which the nation was formerly so renowned, had lately taken.

LIBERTY of commerce between the sexes was indulged; but without any licentiousness of

¹⁴ Essays De profer. fin. imp.

¹⁵ Franklyn, p. 5. See also Lord Herbert's Memoirs.

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manners. The court was very little an exception to this observation. James had rather entertained an aversion and contempt for the females; nor were those young courtiers, of whom he was so fond, able to break through the established manners of the nation.

THE first sedan chair, seen in England, was in this reign, and was used by the duke of Buckingham; to the great indignation of the people, who exclaimed, that he was employing his fellow-creatures to do the service of beasts.

THE country life prevails at present in England beyond any cultivated nation of Europe; but it was then much more generally embraced by all the gentry. The increase of arts, pleasures, and social commerce was just beginning to produce an inclination for the softer and more civilized life of the city. James discouraged, as much as possible, this alteration of manners. "He was
"wont to be very earnest," as lord Bacon tells us, "with the country gentlemen to go from
"London to their country seats. And sometimes
"he would say thus to them: *Gentlemen, at
"London, you are like ships in a sea, which show
"like nothing; but, in your country villages, you
"are like ships in a river, which look like great
"things*"¹⁶.

He was not content with reproof and exhortation. As queen Elizabeth had perceived, with regret, the increase of London, and had restrained

¹⁶ Apophthegms.

all new buildings by proclamation ; James , who Appendix.
 found that these edicts were not exactly obeyed,
 frequently renewed them ; though a strict execution
 seems still to have been wanting. He also issued
 reiterated proclamations , in imitation of his pre-
 decessor ; containing severe menaces against the
 gentry , who lived in town¹⁷. This policy is
 contrary to that , which has ever been practised
 by all princes , who studied the increase of their
 authority. To allure the nobility to court ; to en-
 gage them in expensive pleasures or employments,
 which dissipate their fortune ; to increase their
 subjection to ministers by attendance ; to weaken
 their authority in the provinces by absence :
 These have been the common arts of arbitrary
 government. But James , besides that he had cer-
 tainly laid no plan for extending his power , had
 no money to support a splendid court , or bestow
 on a numerous retinue of gentry and nobility.
 He thought too , that , by their living together,
 they became more sensible of their own strength,
 and were apt to indulge too curious researches
 into matters of government. To remedy the pre-
 sent evil , he was desirous of dispersing them into
 their country-seats ; where , he hoped , they would
 bear a more submissive reverence to his authority,
 and receive less support from each other. But
 the contrary effect soon followed. The riches ,
 amassed during their residence at home , rendered
 them independent. The influence , acquired by

¹⁷ Rymer , tom. xvii. p. 632.

Appendix. hospitality, made them formidable. They would not be led by the court: They could not be driven: And thus the system of the English government received a total and a sudden alteration in the course of less than forty years.

THE first rise of commerce and the arts had contributed, in preceding reigns, to scatter those immense fortunes of the barons, which rendered them so formidable both to king and people. The farther progress of these advantages began, during this reign, to ruin the small proprietors of land¹⁸; and, by both events, the gentry, or that rank which composed the house of commons, enlarged their power and authority. The early improvements in luxury were seized by the greater nobles, whose fortunes, placing them above frugality, or even calculation, were soon dissipated in expensive pleasures. These improvements reached at last all men of property; and those of slender fortunes, who, at that time, were often men of family, imitating those of a rank immediately above them, reduced themselves to poverty. Their lands, coming to sale, swelled the estates of those, who possessed riches sufficient for the fashionable expenses; but who were not exempted from some care and attention to their domestic œconomy.

THE gentry also of that age were engaged in no expense, except that of country hospitality. No taxes were levied, no wars waged, no

¹⁸ Cabala, p. 224. first edit.

attendance at court expected, no bribery or pro-
fession required at elections ¹⁹. Could human nature
ever reach happiness, the condition of the English
gentry, under so mild and benign a prince, might
merit that appellation. Appendix.

THE amount of the king's revenue, as it stood
in 1617, is thus stated ²⁰. Of crown lands, 80,000
pounds a year; by customs and new impositions,
near 190,000; by wards and other various branch-
es of revenue, beside purveyance, 180,000. The
whole amounting to 450,000. The king's ordina-
ry disbursements, by the same account, are said
to exceed this sum thirty-six thousand pounds ²¹.
All the extraordinary sums, which James had
raised by subsidies, loans, sale of lands, sale of
the title of baronet, money paid by the states,
and by the king of France, benevolences, &c.
were, in the whole, about two millions two
hundred thousand pounds. Of which the sale
of lands afforded seven hundred and seventy-five Finances.

¹⁹ Men seem then to have been ambitious of representing
the counties, but careless of the boroughs. A seat in the
house was, in itself, of small importance: But the former
became a point of honor among the gentlemen. Journ.
10 Feb. 1620. Towns, which had formerly neglected
their right of sending members, now began to claim it.
Journ. 26 Feb. 1623.

²⁰ An abstract, or brief declaration of his Majesty's
revenue, with the assignments and defalcations upon the
same.

²¹ The excess was formerly greater, as appears by Salis-
bury's account. See chap. 2.

Appendix. thousand pounds. The extraordinary disbursements of the king amounted to two millions; beside above four hundred thousand pounds given in presents. Upon the whole, a sufficient reason appears, partly from necessary expenses, partly for want of a rigid œconomy, why the king, even early in his reign, was deeply involved in debt, and found great difficulty to support the government.

FARMERS, not commissioners, levied the customs. It seems, indeed, requisite, that the former method should always be tried before the latter; though a preferable one. When men's own interest is concerned, they fall upon a hundred expedients to prevent frauds in the merchants; and these the public may afterwards imitate, in establishing proper rules for its officers.

THE customs were supposed to amount to five *per cent.* of the value, and were levied upon exports, as well as imports. Nay, the imposition upon exports, by James's additions, is said to amount, in some few instances, to twenty-five *per cent.* This practice, so hurtful to industry, prevails still in France, Spain, and most countries of Europe. The customs in 1604, yielded 127,000 pounds a-year²²: They rose to 190,000 towards the end of the reign.

INTEREST, during this reign, was at ten *per cent.* till 1624, when it was reduced to eight.

²² Journ. 21 May, 1604.

This high interest is an indication of the great profits and small progress of commerce. Appendix.

THE extraordinary supplies granted by parliament, during this whole reign, amounted not to more than 630,000 pounds; which, divided among twenty-one years, makes 30,000 pounds a-year. I do not include those supplies, amounting to 300,000 pounds, which were given to the king by his last parliament. These were paid in to their own commissioners; and the expenses of the Spanish war were much more than sufficient to exhaust them. The distressed family of the Palatine was a great burthen on James, during part of his reign. The king, it is pretended, possessed not frugality, proportioned to the extreme narrowness of his revenue. Splendid equipages, however, he did not affect, nor costly furniture, nor a luxurious table, nor prodigal mistresses. His buildings too were not sumptuous; though the Banqueting-house must not be forgotten, as a monument which does honor to his reign. Hunting was his chief amusement, the cheapest pleasure in which a king can indulge himself. His expenses were the effects of liberality, rather than of luxury.

ONE day, it is said, while he was standing amidst some of his courtiers, a porter passed by, loaded with money, which he was carrying to the treasury. The king observed, that Rich, afterwards earl of Holland, one of his handsome agreeable favorites, whispered something to one standing near him. Upon inquiry, he found,

Appendix. that Rich had said, *how happy would that money make me!* Without hesitation, James bestowed it all upon him, though it amounted to 3000 pounds. He added, *You think yourself very happy in obtaining so large a sum; but I am more happy, in having an opportunity of obliging a worthy man, whom I love.* The generosity of James was more the result of a benign humor or light fancy, than of reason or judgment. The objects of it were such as could render themselves agreeable to him in his loose hours; not such as were endowed with great merit, or who possessed talents or popularity, which could strengthen his interest with the public.

THE same advantage, we may remark, over the people, which the crown formerly reaped from that interval between the fall of the peers and rise of the commons, was now possessed by the people against the crown, during the continuance of a like interval. The sovereign had already lost that independent revenue, by which he could subsist without regular supplies from parliament; and he had not yet acquired the means of influencing those assemblies. The effects of this situation, which commenced with the accession of the house of Stuart, soon rose to a great height, and were more or less propagated throughout all the reigns of that unhappy family.

SUBSIDIES and fifteenths are frequently mentioned by historians; but neither the amount of these taxes, nor the method of levying them, had been well explained. It appears that the

fifteenths formerly corresponded to the name, Appendix. and were that proportionable part of the moveables ²³. But a valuation having been made, in the reign of Edward III. that valuation was always adhered to, and each town paid unalterably a particular sum, which the inhabitants themselves assessed upon their fellow-citizens. The same tax in corporate towns was called a tenth; because, there, it was, at first, a tenth of the moveables. The whole amount of a tenth and a fifteenth throughout the kingdom, or a fifteenth, as it is often more concisely called, was about 29,000 pounds ²⁴. The amount of a subsidy was not invariable, like that of a fifteenth. In the eighth of Elizabeth, a subsidy amounted to 120,000 pounds: In the fortieth, it was not above 78,000 ²⁵. It afterwards fell to 70,000; and was continually decreasing ²⁶. The reason is easily collected from the method of levying it. We may learn from the subsidy bills ²⁷, that one subsidy was given for four shillings in the pound on land, and two shillings and eight pence on moveables throughout the counties; a considerable tax, had it been strictly levied. But this was only the ancient state of a subsidy. During the reign of James, there was not paid the twentieth part of that sum. The tax was so far personal, that a man

²³ Coke's Inst. book iv. chap. i. of fifteenths, quinzins.

²⁴ Id. subsidies temporary. ²⁵ Journ. 11 July, 1610.

²⁶ Coke's Inst. book iv. chap. i. subsidies temporary.

²⁷ See Statutes at large.

Appendix. paid only in the county where he lived, though he should possess estates in other counties; and the assessors formed a loose estimation of his property, and rated him accordingly. To preserve, however, some rule in the estimation, it seems to have been the practice to keep an eye to former assessments, and to rate every man according as his ancestors, or men of such an estimated property, were accustomed to pay. This was a sufficient reason, why subsidies could not increase, notwithstanding the great increase of money and rise of rents. But there was an evident reason, why they continually decreased. The favor, as is natural to suppose, ran always against the crown; especially during the latter end of Elizabeth, when subsidies became numerous and frequent, and the sums levied were considerable, compared to former supplies. The assessors, though accustomed to have an eye to ancient estimations, were not bound to observe any such rule; but might rate a-new any person, according to his present income. When rents fell, or parts of an estate were sold off, the proprietor was sure to represent these losses, and obtain a diminution of his subsidy; but where rents rose, or new lands were purchased, he kept his own secret, and paid no more than formerly. The advantage, therefore, of every change was taken against the crown; and the crown could obtain the advantage of none. And to make the matter worse, the alterations, which happened in property during this age, were, in general unfavor-

able to the crown. The small proprietors, or twenty pound men, went continually to decay; and when their estates were swallowed up by a greater, the new purchaser increased not his subsidy. So loose indeed is the whole method of rating subsidies, that the wonder was not how the tax should continually diminish; but how it yielded any revenue at all. It became at last so unequal and uncertain, that the parliament was obliged to change it into a land tax.

THE price of corn, during this reign, and that of the other necessaries of life, was no lower, or was rather higher, than at present. By a proclamation of James, establishing public magazines, whenever wheat fell below thirty-two shillings a quarter, rye below eighteen, barley below sixteen, the commissioners were empowered to purchase corn for the magazines²⁸. These prices then are to be regarded as low; though they would rather pass for high by our present estimation. The usual bread of the poor was at this time made of barley²⁹. The best wool, during the greater part of James's reign, was at thirty-three shillings a tod³⁰: At present, it is not above two-thirds of that value; though it is to be presumed, that our exports in woollen goods are somewhat

²⁸ Rymer, tom. xvii. p. 526. To the same purpose, see also 21 Jac. vi. cap. 28.

²⁹ Rymer, tom. xx. p. 157.

³⁰ See a compendium, or dialogue inserted in the Memoirs of Wool, chap. 23.

Appendix. increased. The finer manufactures too, by the progress of arts and industry, have rather diminished in price, notwithstanding the great increase of money. In Shakespeare, the hostess tells Falstaff, that the shirts she bought him were holland at eight shillings a-yard; a high price at this day, even supposing, what is not probable, that the best holland at that time was equal in goodness to the best that can now be purchased. In like manner, a yard of velvet, about the middle of Elizabeth's reign, was valued at two-and-twenty shillings. It appears, from Dr. Birch's life of prince Henry ³¹, that that prince, by contract with his butcher, paid near a groat a-pound throughout the year, for all the beef and mutton used in his family. Besides, we must consider, that the general turn of that age, which no laws could prevent, was the converting of arable land into pasture: A certain proof that the latter was found more profitable, and consequently that all butcher's meat, as well as bread, was rather higher than at present. We have a regulation of the market with regard to poultry and some other articles, very early in Charles I.'s reign ³²; and the prices are high. A turkey cock four shillings and sixpence, a turkey hen three shillings, a pheasant cock six, a pheasant hen five, a partridge one shilling, a goose two, a capon two and sixpence, a pullet one and sixpence, a rabbit eight pence, a dozen of pigeons six shil-

³¹ P. 449.

³² Rymer, tom. xix, p. 511.
lings

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lings³³. We must consider, that London at present is more than three times more populous than it was at that time: A circumstance, which much increases the price of poultry, and of every thing that cannot conveniently be brought from a distance: Not to mention, that these regulations by authority are always calculated to diminish, never to increase the market prices. The contractors for victualling the navy were allowed by government eight pence a-day for the diet of each man, when in harbour, seven pence half-penny when at sea³⁴; which would suffice at present. The chief difference in expence between that age and the present consists in the imaginary wants of men, which have since extremely multiplied. These³⁵ are the principal reasons, why James's revenue would go farther than the same money in our time; though the difference is not near so great as is usually imagined.

Arms.

THE public was entirely free from the danger and expence of a standing army. While James was vaunting his divine vicegerency, and boasting of his high prerogative, he possessed not so much as a single regiment of guards to maintain his

³³ We may judge of the great grievance of purveyance by this circumstance, that the purveyors often gave but sixpence for a dozen of pigeons, and two pence for a fowl. Journ. 25 May, 1626.

³⁴ Rymer, tom. xvii. p. 441. et seq.

³⁵ This volume was writ above thirty years before the present edition of 1789. In that short period, prices have perhaps risen more, than during the preceding hundred and fifty.

Appendix. extensive claims : A sufficient proof, that he sincerely believed his pretensions to be well grounded, and a strong presumption, that they were at least built on what were then deemed plausible arguments. The militia of England, amounting to 160,000 men ³⁶, was the sole defence of the kingdom. It is pretended, that they were kept in good order during this reign ³⁷. The city of London procured officers, who had served abroad, and who taught the trained bands their exercises in Artillery garden; a practice which had been discontinued since 1588. All the counties of England, in emulation of the capital, were fond of showing a well-ordered and well-appointed militia. It appeared, that the natural propensity of men towards military shows and exercises will go far, with a little attention in the sovereign, towards exciting and supporting this spirit in any nation. The very boys, at this time, in mimicry of their elders, enlisted themselves voluntarily into companies, elected officers, and practised the discipline, of which the models were every day exposed to their view ³⁸. Sir Edward Harwood, in a memorial composed at the beginning of the subsequent reign, says, that England was so unprovided with horses fit for war, that 2000 men could not possibly be mounted throughout

³⁶ Journ. 1 March, 1623.

³⁷ Stowe. See also Sir Walter Raleigh of the prerogatives of parliament, and Johnstons hist. lib. xviii.

³⁸ Stowe.

the whole kingdom ³⁹. At present, the breed of horses is so much improved, that almost all those which are employed, either in the plough, waggon, or coach, would be fit for that purpose. Appendix.

THE disorders of Ireland obliged James to keep up some forces there, and put him to great expense. The common pay of a private man in the infantry was eight pence a-day, a lieutenant two shillings, an ensign eighteen pence ⁴⁰. The armies in Europe were not near so numerous, during that age; and the private men, we may observe, were drawn from a better rank than at present, and approaching nearer to that of the officers.

IN the year 1583, there was a general review made of all the men in England, capable of bearing arms; and these were found to amount to 1,172,000 men, according to Raleigh ⁴¹. It is impossible to warrant the exactness of this computation; or rather, we may fairly presume it to be somewhat inaccurate. But if it approached near the truth, England has probably, since that time, increased in populousness. The growth of London, in riches and beauty, as well as in numbers of inhabitants, has been prodigious. From 1600, it doubled every forty years ⁴²; and consequently,

³⁹ In the Harleian miscellany, vol. iv. p. 255.

⁴⁰ Rymer, tom. xvi. p. 717.

⁴¹ Of the invention of shipping. This number is much superior to that contained in Murden, and that delivered by Sir Edward Coke to the house of commons; and is more likely.

⁴² Sir William Petty.

Appendix. in 1680, it contained four times as many inhabitants, as at the beginning of the century. It has ever been the center of all the trade in the kingdom; and almost the only town that affords society and amusement. The affection, which the English bear to a country life, makes the provincial towns be little frequented by the gentry. Nothing but the allurements of the capital, which is favored by the residence of the king, and by being the seat of government, and of all the courts of justice, can prevail over their passion for their rural villas.

LONDON, at this time, was almost entirely built of wood, and in every respect was certainly a very ugly city. The earl of Arundel first introduced the general practice of brick buildings ⁴³.

Navy.

THE navy of England was esteemed formidable in Elizabeth's time, yet it consisted only of thirty-three ships besides pinnaces ⁴⁴: And the largest of these would not equal our fourth rates at present. Raleigh advises never to build a ship of war above 600 tons ⁴⁵. James was not negligent of the navy. In five years preceding 1623, he built ten new ships, and expended fifty thousand

⁴³ Sir Edward Walker's political discourses, p. 270.

⁴⁴ Coke's Inst. book iv. chap. i. Consultation in parliament for the navy.

⁴⁵ By Raleigh's account, in his discourse of the first invention of shipping, the fleet in the twenty-fourth of the queen, consisted only of thirteen ships, and were augmented afterwards eleven. He probably reckoned some to be pinnaces, which Coke called ships.

pounds a-year on the fleet, beside the value of thirty-six thousand pounds in timber, which he annually gave from the royal forests ⁴⁶. The largest ship that ever had come from the English docks, was built during this reign. She was only 1400 tons, and carried sixty-four guns ⁴⁷. The merchant ships, in cases of necessity, were instantly converted into ships of war. The king affirmed to the parliament, that the navy had never before been in so good a condition ⁴⁸.

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EVERY session of parliament, during this reign, we meet with grievous lamentations concerning the decay of trade and the growth of popery: Such violent propensity have men to complain of the present times, and to entertain discontent against their fortune and condition. The king himself was deceived by these popular complaints, and was at a loss to account for the total want of money, which he heard so much exaggerated ⁴⁹. It may, however, be affirmed, that, during no preceding period of English history, was there a more sensible increase, than during the reign of this monarch, of all the advantages which distinguish a flourishing people. Not only the peace which he maintained, was favorable to industry and commerce: His turn of mind inclined him to promote the peaceful arts: And trade being as

Commerce.

⁴⁶ Journ. 11 March, 1623. Sir William Monson makes the number amount only to nine new ships, p. 253.

⁴⁷ Stowe. ⁴⁸ Parl. Hist. vol. vi. p. 94.

⁴⁹ Rymer, tom. xvii. p. 413.

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yet in its infancy, all additions to it must have been the more evident to every eye, which was not blinded by melancholy prejudices ⁵⁰.

By an account ⁵¹, which seems judicious and accurate, it appears, that all the seamen, employed in the merchant service, amounted to 10,000 men, which probably exceeds not the fifth part of their present number. Sir Thomas Overbury says, that the Dutch possessed three times more shipping than the English, but that their ships were of inferior burden to those of the latter ⁵². Sir William Monson computed the English naval power to be little or nothing inferior to the Dutch ⁵³, which is surely an exaggeration. The Dutch at this time traded to England with 600 ships; England to Holland with sixty only ⁵⁴.

Manufac-
tures.

A CATALOGUE of the manufactures, for which the English were then eminent, would appear very contemptible, in comparison of those which flourish among them at present. Almost all the more elaborate and curious arts were only cultivated abroad, particularly in Italy, Holland, and the Netherlands. Ship-building and the founding of iron cannon were the sole, in which the English excelled. They seem, indeed, to have possessed alone the secret of the latter; and great

⁵⁰ See note [S] at the end of the volume.

⁵¹ The trade's increase in the Harleian Misc. vol. iii.

⁵² Remarks on his travels, Harl. misc. vol. ii. p. 349.

⁵³ Naval Tracts, p. 329. 350. ⁵⁴ Raleigh's observations.

complaints were made every parliament against the exportation of English ordnance. Appendix

NINE tenths of the commerce of the kingdom consisted in woollen goods ⁵⁵. Wool, however, was allowed to be exported, till the 19th of the king. Its exportation was then forbidden by proclamation; though that edict was never strictly executed. Most of the cloth was exported raw, and was died and dressed by the Dutch; who gained, it is pretended, 700,000 pounds a-year by this manufacture ⁵⁶. A proclamation, issued by the king, against exporting cloth in that condition, had succeeded so ill, during one year, by the refusal of the Dutch to buy the dressed cloth, that great murmurs arose against it; and this measure was retracted by the king, and complained of by the nation, as if it had been the most impolitic in the world. It seems indeed to have been premature.

IN so little credit was the fine English cloth even at home, that the king was obliged to seek expedients, by which he might engage the people of fashion to wear it ⁵⁷. The manufac-

⁵⁵ Journ. 26th, May, 1621.

⁵⁶ Journ. 20 May, 1614 Raleigh, in his observations, computes the loss at 400,000 pounds to the nation. There are about 80,000 undressed cloths, says he, exported yearly. He computes, besides, that about 100,000 pounds a-year had been lost by kerfies; not to mention other articles. The account of 200,000 cloths a-year exported in Elizabeth's reign seems to be exaggerated.

⁵⁷ Rymer, tom. xvii. p. 415.

Appendix. ture of fine linen was totally unknown in the kingdom ⁵⁸.

THE company of merchant-adventurers, by their patent, possessed the sole commerce of woollen goods, though the staple commodity of the kingdom. An attempt, made during the reign of Elizabeth, to lay open this important trade, had been attended with bad consequences for a time, by a conspiracy of the merchant-adventurers, not to make any purchases of cloth; and the queen immediately restored them their patent.

IT was the groundless fear of a like accident, that enslaved the nation to those exclusive companies, which confined so much every branch of commerce and industry. The parliament, however, annulled, in the third of the king, the patent of the Spanish company; and the trade to Spain, which was, at first, very insignificant, soon became the most considerable in the kingdom. It is strange, that they were not thence encouraged to abolish all the other companies, and that they went no farther than obliging them to enlarge their bottom, and to facilitate the admission of new adventurers.

A BOARD of trade was erected by the king in 1622 ⁵⁹. One of the reasons assigned in the commission, is to remedy the low price of wool, which begat complaints of the decay of the woollen

⁵⁸ Rymer, tom. xvii. p. 415. ⁵⁹ Ibid.

manufactory. It is more probable, however, that this fall of prices proceeded from the increase of wool. The king likewise recommends it to the commissioners to inquire and examine, whether a greater freedom of trade and an exemption from the restraint of exclusive companies, would not be beneficial. Men were then fettered by their own prejudices; and the king was justly afraid of embracing a bold measure, whose consequences might be uncertain. The digesting of a navigation act, of a like nature with the famous one executed afterwards by the republican parliament, is likewise recommended to the commissioners. The arbitrary powers, then commonly assumed by the privy-council, appear evidently through the whole tenor of the commission. Appendix.

THE silk manufacture had no footing in England: But, by James's direction, mulberry-trees were planted, and silk-worms introduced^o. The climate seems unfavorable to the success of this project. The planting of hops increased much in England during this reign.

GREENLAND is thought to have been discovered about this period; and the whale-fishery was carried on with success: But the industry of the Dutch, in spite of all opposition, soon deprived the English of this source of riches. A company was erected for the discovery of the north-west passage; and many fruitless attempts were made for that purpose. In such noble pro-

^o Stowe.

Appendix. jects, despair ought never to be admitted, till the absolute impossibility of success be fully ascertained.

THE passage to the East-Indies had been opened to the English during the reign of Elizabeth; but the trade to those parts was not entirely established till this reign, when the East-India company received a new patent, enlarged their stock to 1,500,000 pounds⁶¹, and fitted out several ships on these adventures. In 1609 they built a vessel of 1200 ton, the largest merchant-ship that England had ever known. She was unfortunate, and perished by shipwreck. In 1611, a large ship of the company, assisted by a pinnace, maintained five several engagements with a squadron of Portuguese, and gained a complete victory over forces much superior. During the following years the Dutch company was guilty of great injuries towards the English, in expelling many of their factors, and destroying their settlements: But these violences were re-sented with a proper spirit by the court of England. A naval force was equipped under the earl of Oxford⁶², and lay in wait for the return of the Dutch East-India fleet. By reason of cross winds, Oxford failed of his purpose, and the Dutch escaped. Some time after, one rich ship was taken by vice-admiral Merwin; and it was stipulated by the Dutch to pay 70,000 pounds to the English company, in consideration of the

⁶¹ Journ. 26th Nov. 1621. ⁶² In 1622.

losses which that company had sustained ⁶³. But Appendix. neither this stipulation, nor the fear of reprisals, nor the sense of that friendship which subsisted between England and the States, could restrain the avidity of the Dutch company, or render them equitable in their proceedings towards their allies. Impatient to have the sole possession of the spice-trade, which the English then shared with them, they assumed a jurisdiction over a factory of the latter in the island of Amboyna; and on very improbable, and even absurd pretences, seized all the factors with their families, and put them to death with the most inhuman tortures. This dismal news arrived in England at the time when James, by the prejudices of his subjects and the intrigues of his favorite, was constrained to make a breach with Spain; and he was obliged, after some remonstrances, to acquiesce in this indignity from a state whose alliance was now become necessary to him. It is remarkable, that the nation, almost without a murmur, submitted to this injury from their protestant confederates; an injury, which, besides the horrid enormity of the action, was of much deeper importance to national interest, than all those which they were so impatient to resent from the house of Austria.

THE exports of England from Christmas 1612 to Christmas 1613 are computed at 2,487,435 pounds: The imports at 2,141,151: So that the

⁶³ Johnstons. hist. lib. 19.

Appendix. balance in favor of England was 346,284 ⁶⁴. But in 1622 the exports were 2,320,436 pounds; the imports 2,619,315; which makes a balance of 298,879 pounds against England ⁶⁵. The coinage of England from 1599 to 1619 amounted to 4,779,314 pounds, 13 shillings and 4 pence ⁶⁶: A proof that the balance in the main was considerably in favor of the kingdom. As the annual imports and exports together rose to near five millions, and the customs never yielded so much as 200,000 pounds a-year, of which tonnage made a part, it appears, that the new rates, affixed by James, did not on the whole, amount to one shilling in the pound, and consequently were still inferior to the intention of the original grant of parliament. The East-India company usually carried out a third of their cargo in commodities ⁶⁷. The trade to Turkey was one of the most gainful to the nation ⁶⁸. It appears that copper halfpence and farthings began to be coined in this reign ⁶⁹. Tradesmen had commonly carried on their retail business chiefly by means of leaden tokens. The small silver penny was soon lost, and at this time was no where to be found.

Colonies. WHAT chiefly renders the reign of James memorable, is the commencement of the English

⁶⁴ Miffelden's Circle of Commerce, p. 121.

⁶⁵ Id. Ibid.

⁶⁶ Happy future State of England, p. 78.

⁶⁷ Munn's Discourse on the East-India Trade,

⁶⁸ Id. Ibid.

⁶⁹ Anderson, vol. i. p. 477.

colonies in America; colonies established on the noblest footing that has been known in any age or nation. The Spaniards, being the first discoverers of the new world, immediately took possession of the precious mines which they found there; and, by the allurements of great riches, they were tempted to depopulate their own country as well as that which they conquered; and added the vice of sloth to those of avarice and barbarity, which had attended their adventurers in those renowned enterprises. That fine coast was entirely neglected, which reaches from St. Augustine to Cape Breton, and which lies in all the temperate climates, is watered by noble rivers, and offers a fertile soil, but nothing more, to the industrious planter. Peopled gradually from England by the necessitous and indigent, who, at home, increased neither wealth nor populousness, the colonies, which were planted along that tract, have promoted the navigation, encouraged the industry, and even perhaps multiplied the inhabitants of their mother-country. The spirit of independence, which was reviving in England, here shone forth in its full lustre, and received new accession from the aspiring character of those, who, being discontented with the established church and monarchy, had sought for freedom amidst those savage deserts.

QUEEN Elizabeth had done little more than give a name to the continent of Virginia; and, after her planting one feeble colony, which quickly

Appendix. decayed, that country was entirely abandoned. But when peace put an end to the military enterprizes against Spain, and left ambitious spirits no hopes of making any longer such rapid advances towards honor and fortune the nation began to second the pacific intentions of its monarch, and to seek a surer, though slower, expedient, for acquiring riches and glory. In 1606, Newport carried over a colony, and began a settlement; which the company, erected by patent for that purpose in London and Bristol, took care to supply with yearly recruits of provisions, utensils, and new inhabitants. About 1609, Argal discovered a more direct and shorter passage to Virginia, and left the tract of the ancient navigators, who had first directed their course southwards to the tropic, sailed westward by means of the trade-winds, and then turned northward, till they reached the English settlements. The same year, five hundred persons under Sir Thomas Gates and Sir George Somers were embarked for Virginia. Somers's ship, meeting with a tempest, was driven into the Bermudas, and laid the foundation of a settlement in those islands. Lord Delawar afterwards undertook the government of the English colonies: But notwithstanding all his care, seconded by supplies from James, and by money raised from the first lottery ever known in the kingdom, such difficulties attended the settlement of these countries, that, in 1614, there were not alive more than 400 men, of all that had been sent thither.

After supplying themselves with provisions more immediately necessary for the support of life, the new planters began the cultivating of tobacco; and James, notwithstanding his antipathy to that drug, which he affirmed to be pernicious to men's morals as well as their health⁷⁰, gave them permission to enter it in England, and he inhibited by proclamation all importation of it from Spain⁷¹. By degrees, new colonies were established in that continent, and gave new names to the places where they settled, leaving that of Virginia to the province first planted. The island of Barbadoes was also planted in this reign.

SPECULATIVE reasoners, during that age, raised many objections to the planting of those remote colonies; and foretold, that, after draining their mother-country of inhabitants, they would soon shake off her yoke, and erect an independent government in America: But time has shown, that the views, entertained by those who encouraged such generous undertakings, were more just and solid. A mild government and great naval force have preserved, and may still preserve during some time, the dominion of England over her colonies. And such advantages have commerce and navigation reaped from these establishments, that more than a fourth of the English shipping is at present computed to be employed in carrying on the traffic with the American settlements.

⁷⁰ Rymer, tom. xvii. p. 62.

⁷¹ Rymer, tom. xviii. p. 621. 633.

Appendix,

AGRICULTURE was anciently very imperfect in England. The sudden transitions, so often mentioned by historians, from the lowest to the highest price of grain, and the prodigious inequality of its value in different years, are sufficient proofs, that the produce depended entirely on the seasons, and that art had as yet done nothing to fence against the injuries of the heavens. During this reign, considerable improvements were made, as in most arts, so in this, the most beneficial of any. A numerous catalogue might be formed of books and pamphlets, treating of husbandry, which were written about this time. The nation, however, was still dependent on foreigners for daily bread; and though its exportation of grain now forms a considerable branch of its commerce, notwithstanding its probable increase of people, there was, in that period, a regular importation from the Baltic as well as from France; and if it ever stopped, the bad consequences were sensibly felt by the nation. Sir Walter Raleigh in his observations computes, that two millions went out at one time for corn. It was not till the fifth of Elizabeth, that the exportation of corn had been allowed in England; and Camden observes, that agriculture, from that moment, received new life and vigor.

THE endeavours of James, or, more properly speaking, those of the nation, for promoting trade, were attended with greater success than those for the encouragement of learning. Though the age was by no means destitute of eminent writers,

writers, a very bad taste in general prevailed during that period; and the monarch himself was not a little infected with it. Appendix,

ON the origin of letters among the Greeks, the genius of poets and orators, as might naturally be expected, was distinguished by an amiable simplicity, which, whatever rudeness may sometimes attend it, is so fitted to express the genuine movements of nature and passion, that the compositions possessed of it must ever appear valuable to the discerning part of mankind. The glaring figures of discourse, the pointed antithesis, the unnatural conceit, the jingle of words; such false ornaments were not employed by early writers; not because they were rejected, but because they scarcely ever occurred to them. An easy, unforced strain of sentiment runs through their compositions; though at the same time we may observe, that, amidst the most elegant simplicity of thought and expression, one is sometimes surprised to meet with a poor conceit, which had presented itself unsought for, and which the author had not acquired critical observation enough to condemn⁷². A bad taste

Learning
and arts.

⁷² The name of Polynices, one of Oedipus's sons, means in the original *much quarrelling*. In the altercations between the two brothers, in Æschylus, Sophocles, and Euripides, this conceit is employed; and it is remarkable, that so poor a conundrum could not be rejected by any of these three poets, so justly celebrated for their taste and simplicity. What could Shakespeare have done worse? Terence has his *inceptio est amentium, non amantium*. Many similar instances will occur to the

Appendix. seizes with avidity these frivolous beauties, and even perhaps a good taste, ere surfeited by them: They multiply every day more and more in the fashionable compositions: Nature and good sense are neglected: Labored ornaments studied and admired: And a total degeneracy of style and language prepares the way for barbarism and ignorance. Hence the Asiatic manner was found to depart so much from the simple purity of Athens: Hence that tinsel eloquence, which is observable in many of the Roman writers, from which Cicero himself is not wholly exempted, and which so much prevails in Ovid, Seneca, Lucan, Martial, and the Plinys.

ON the revival of letters, when the judgment of the public is yet raw and unformed, this false glister catches the eye, and leaves no room, either in eloquence or poetry, for the durable beauties of solid sense and lively passion. The reigning genius is then diametrically opposite to that which prevails on the first origin of arts. The Italian writers, it is evident, even the most celebrated, have not reached the proper simplicity of thought and composition; and in Petrarch, Tasso, Guarini, frivolous witticisms and forced conceits are but too predominant. The period, during which letters were cultivated in Italy, was so short as scarcely to allow leisure for correcting this adulterated relish.

learned. It is well known that Aristotle treats very seriously of puns, divides them into several classes, and recommends the use of them to orators.

THE more early French writers are liable to the same reproach. Voiture, Balzac, even Corneille, have too much affected those ambitious ornaments, of which the Italians in general, and the least pure of the ancients supplied them with so many models. And it was not till late, that observation and reflection gave rise to a more natural turn of thought and composition among that elegant people. Appendix.

A LIKE character may be extended to the first English writers; such as flourished during the reigns of Elizabeth and James, and even till long afterwards. Learning, on its revival in this island, was attired in the same unnatural garb, which it wore at the time of its decay among the Greeks and Romans. And, what may be regarded as a misfortune, the English writers were possessed of great genius before they were endowed with any degree of taste, and by that means gave a kind of sanction to those forced turns and sentiments, which they so much affected. Their distorted conceptions and expressions are attended with such vigor of mind, that we admire the imagination which produced them, as much as we blame the want of judgment which gave them admittance. To enter into an exact criticism of the writers of that age, would exceed our present purpose. A short character of the most eminent, delivered with the same freedom, which history exercises over kings and ministers, may not be improper. The national prepossessions, which

Appendix. prevail, will perhaps render the former liberty not the least perilous for an author.

IF Shakespeare be considered as a MAN, born in a rude age, and educated in the lowest manner, without any instruction, either from the world or from books, he may be regarded as a prodigy: If represented as a POET, capable of furnishing a proper entertainment to a refined or intelligent audience, we must abate much of this eulogy. In his compositions, we regret, that many irregularities, and even absurdities, should so frequently disfigure the animated and passionate scenes intermixed with them; and at the same time, we perhaps admire the more those beauties, on account of their being surrounded with such deformities. A striking peculiarity of sentiment, adapted to a singular character, he frequently hits, as it were by inspiration; but a reasonable propriety of thought he cannot, for any time, uphold. Nervous and picturesque expressions, as well as descriptions, abound in him; but it is in vain we look either for purity or simplicity of diction. His total ignorance of all theatrical art and conduct, however material a defect; yet, as it affects the spectator rather than the reader, we can more easily excuse, than that want of taste which often prevails in his productions, and which gives way, only by intervals, to the irradiations of genius. A great and fertile genius he certainly possessed, and one enriched equally with a tragic and comic vein; but, he ought to be cited as a proof, how

dangerous it is to rely on these advantages alone for attaining an excellence in the finer arts⁷³. And there may even remain a suspicion, that we over-rate, if possible, the greatness of his genius; in the same manner as bodies often appear more gigantic, on account of their being disproportioned and mishapen. He died in 1616, aged 53 years. Appendix.

JONSON possessed all the learning which was wanting to Shakespeare, and wanted all the genius of which the other was possessed. Both of them were equally deficient in taste and elegance, in harmony and correctness. A servile copyist of the ancients, Jonson translated into bad English the beautiful passages of the Greek and Roman authors, without accommodating them to the manners of his age and country. His merit has been totally eclipsed by that of Shakespeare, whose rude genius prevailed over the rude art of his contemporary. The English theatre has ever since taken a strong tincture of Shakespeare's spirit and character; and thence it has proceeded, that the nation has undergone, from all its neighbours, the reproach of barbarism, from which its valuable productions in some other parts of learning would otherwise have exempted it. Jonson had a pension of a hundred marks from the king, which Charles afterwards augmented to a hundred pounds. He died in 1637, aged 63.

⁷³ *Invenire etiam barbari solent, disponere et ornare non nisi eruditus.* PLIN.

Appendix.

FAIRFAX has translated Taffo with an elegance and ease, and, at the same time, with an exactness, which, for that age, are surprising. Each line in the original is faithfully rendered by a correspondent line in the translation. Harrington's translation of Ariosto is not likewise without its merit. It is to be regretted, that these poets should have imitated the Italians in their stanza, which has a prolixity and uniformity in it, that displeases in long performances. They had otherwise, as well as Spencer, who went before them, contributed much to the polishing and refining of the English versification.

IN Donne's satires, when carefully inspected, there appear some flashes of wit and ingenuity; but these totally suffocated and buried by the hardest and most uncouth expression, that is any-where to be met with.

IF the poetry of the English was so rude and imperfect during that age, we may reasonably expect that their prose would be liable to still greater objections. Though the latter appears the more easy, as it is the more natural method of composition; it has ever in practice been found the more rare and difficult; and there scarcely is an instance, in any language, that it has reached a degree of perfection, before the refinement of poetical numbers and expression. English prose, during the reign of James, was written with little regard to the rules of grammar, and with a total disregard to the elegance and harmony of the period. Stuffed with Latin sentences and

quotations, it likewise imitated those inversions, which, however forcible and graceful in the ancient languages, are entirely contrary to the idiom of the English. I shall indeed venture to affirm, that, whatever uncouth phrases and expressions occur in old books, they were chiefly owing to the unformed taste of the author; and that the language, spoken in the courts of Elizabeth and James, was very little different from that which we meet with at present in good company. Of this opinion, the little scraps of speeches which are found in the parliamentary journals, and which carry an air so opposite to the labored orations, seem to be a sufficient proof; and there want not productions of that age, which, being written by men who were not authors by profession, retain a very natural manner, and may give us some idea of the language which prevailed among men of the world. I shall particularly mention Sir John Davis's discovery, Throgmorton's, Essex's, and Nevil's letters. In a more early period, Cavendish's life of cardinal Wolsey, the pieces that remain of bishop Gardiner, and Anne Boleyn's letter to the king, differ little or nothing from the language of our time.

THE great glory of literature in this island, during the reign of James, was lord Bacon. Most of his performances were composed in Latin; though he possessed neither the elegance of that, nor of his native tongue. If we consider the variety of talents displayed by this man; as a public speaker, a man of business, a wit, a cour-

Appendix. tier, a companion, an author, a philosopher; he is justly the object of great admiration. If we consider him merely as an author and philosopher, the light in which we view him at present, though very estimable, he was yet inferior to his contemporary Galilæo, perhaps even to Kepler. Bacon pointed out at a distance the road to true philosophy: Galilæo both pointed it out to others, and made himself considerable advances in it. The Englishman was ignorant of geometry: The Florentine revived that science, excelled in it, and was the first that applied it, together with experiment, to natural philosophy. The former rejected, with the most positive disdain, the system of Copernicus: The latter fortified it with new proofs, derived both from reason and the senses. Bacon's style is stiff and rigid: His wit, though often brilliant, is also often unnatural and far-fetched; and he seems to be the original of those pointed similes and long-spun allegories, which so much distinguish the English authors: Galilæo is a lively and agreeable, though somewhat a prolix writer. But Italy, not united in any single government, and perhaps fatiated with that literary glory, which it has possessed both in ancient and modern times, has too much neglected the renown which it has acquired by giving birth to so great a man. That national spirit, which prevails among the English, and which forms their great happiness, is the cause why they bestow on all their eminent writers, and on Bacon among the rest, such praises and

acclamations, as may often appear partial and excessive. He died in 1626, in the 66th year of his age. Appendix.

IF the reader of Raleigh's history can have the patience to wade through the Jewish and Rabbinical learning which compose the half of the volume, he will find, when he comes to the Greek and Roman story, that his pains are not unrewarded. Raleigh is the best model of that ancient style, which some writers would affect to revive at present. He was beheaded in 1618, aged 66 years.

CAMDEN's history of queen Elizabeth may be esteemed good composition, both for style and matter. It is written with simplicity of expression, very rare in that age, and with a regard to truth. It would not perhaps be too much to affirm, that it is among the best historical productions which have yet been composed by any Englishman. It is well known that the English have not much excelled in that kind of literature. He died in 1623, aged 73 years.

WE shall mention the king himself at the end of these English writers; because that is *his* place, when considered as an author. It may safely be affirmed, that the mediocrity of James's talents in literature, joined to the great change in national taste, is one cause of that contempt, under which his memory labors, and which is often carried by party-writers to a great extreme. It is remarkable, how different from ours were the sentiments of the ancients with regard to learning.

Appendix.

Of the first twenty Roman emperors, counting from Cæsar to Severus, above the half were authors; and though few of them seem to have been eminent in that profession, it is always remarked to their praise, that, by their example, they encouraged literature. Not to mention Germanicus, and his daughter Agrippina, persons so nearly allied to the throne, the greater part of the classic writers, whose works remain, were men of the highest quality. As every human advantage is attended with inconveniences, the change of men's ideas in this particular may probably be ascribed to the invention of printing; which has rendered books so common, that even men of slender fortunes can have access to them.

THAT James was but a middling writer may be allowed: That he was a contemptible one can by no means be admitted. Whoever will read his Basilicon Doron, particularly the two last books, the true law of free monarchies, his answer to cardinal Perron, and almost all his speeches and messages to parliament, will confess him to have possessed no mean genius. If he wrote concerning witches and apparitions; who, in that age, did not admit the reality of these fictitious beings? If he has composed a commentary on the Revelations, and proved the pope to be the Antichrist; may not a similar reproach be extended to the famous Napier; and even to Newton, at a time, when learning was much more advanced than during the reign of James? From the grossness of its superstitions, we may

infer the ignorance of an age; but never should pronounce concerning the folly of an individual, from his admitting popular errors, consecrated by the appearance of religion. Appendix.

SUCH a superiority do the pursuits of literature possess above every other occupation, that even he, who attains but a mediocrity in them, merits the pre-eminence above those that excel the most in the common and vulgar professions. The speaker of the house of commons is usually an eminent lawyer; yet the harangue of his Majesty will always be found much superior to that of the speaker, in every parliament during this reign.

EVERY science, as well as polite literature, must be considered as being yet in its infancy. Scholastic learning and polemical divinity retarded the growth of all true knowledge. Sir Henry Saville, in the preamble of that deed by which he annexed a salary to the mathematical and astronomical professors in Oxford, says, that geometry was almost totally abandoned and unknown in England²⁴. The best learning of that age was the study of the ancients. Casaubon, eminent for this species of knowledge, was invited over from France by James, and encouraged by a pension of 300 a-year, as well as by church preferments²⁵. The famous Antonio di Dominis, archbishop of Spalatro, no despicable philosopher, came likewise into England, and

²⁴ Rymer, tom. xvii. p. 217.

²⁵ Ibid. p. 709.

Appendix. afforded great triumph to the nation, by their gaining so considerable a profelyte from the papists. But the mortification followed soon after: The archbishop, though advanced to some ecclesiastical preferments ⁷⁶, received not encouragement sufficient to satisfy his ambition; He made his escape into Italy, where he died in confinement.

⁷⁶ Rymer, tom. xvii. p. 95.

C H A R L E S I.

C H A P. L.

A parliament at Westminster — At Oxford — Naval expedition against Spain — Second parliament — Impeachment of Buckingham — Violent measures of the court — War with France — Expedition to the isle of Rhé.

NO sooner had Charles taken into his hands the reins of government, than he showed an impatience to assemble the great council of the nation; and he would gladly, for the sake of dispatch, have called together the same parliament which had sitten under his father, and which lay at that time under prorogation. But being told that this measure would appear unusual, he issued writs for summoning a new parliament on the 7th of May; and it was not without regret that the arrival of the princess Henrietta, whom he had espoused by proxy, obliged him to delay, by repeated prorogations, their meeting till the eighteenth of June, when they assembled at Westminster for the dispatch of business. The young prince, unexperienced and impolitic, regarded as sincere all the praises and caresses, with which he had been loaded, while active in procuring the rupture with the house of Austria. And besides that he labored under great necessi-

C H A P.

L.

1625.

27th March.

A parlia-
ment at
Westmin-
ster.

18th June.

C H A P. L. 1625. ties, he hastened with alacrity to a period, when he might receive the most undoubted testimony of the dutiful attachment of his subjects. His discourse to the parliament was full of simplicity and cordiality. He lightly mentioned the occasion which he had for supply¹. He employed no intrigue to influence the suffrages of the members. He would not even allow the officers of the crown, who had seats in the house to mention any particular sum, which might be expected by him. Secure of the affections of the commons, he was resolved, that their bounty should be entirely their own deed; unasked, unsolicited; the genuine fruit of sincere confidence and regard.

THE house of commons accordingly took into consideration the business of supply. They knew, that all the money granted by the last parliament had been expended on naval and military armaments; and that great anticipations were likewise made on the revenues of the crown. They were not ignorant, that Charles was loaded with a large debt, contracted by his father, who had borrowed money both from his own subjects and from foreign princes. They had learned by experience, that the public revenue could with difficulty maintain the dignity of the crown, even under the ordinary charges of government. They were sensible, that the present war was, very lately, the result of their own importunate appli-

¹ Rushworth, vol. i. p. 171. Parl. Hist. vol. vi. p. 346. Franklyn, p. 108.

cations and entreaties, and that they had solemnly engaged to support their sovereign in the management of it. They were acquainted with the difficulty of military enterprises, directed against the whole house of Austria; against the king of Spain, possessed of the greatest riches and most extensive dominions of any prince in Europe; against the emperor Ferdinand, hitherto the most fortunate monarch of his age, who had subdued and astonished Germany by the rapidity of his victories. Deep impressions they saw, must be made by the English sword, and a vigorous offensive war be waged against these mighty potentates, ere they would resign a principality, which they had now fully subdued, and which they held in secure possession, by its being surrounded with all their other territories.

To answer, therefore, all these great and important ends; to satisfy their young king in the first request which he made them; to prove their sense of the many royal virtues, particularly œconomy, with which Charles was endued; the house of commons, conducted by the wisest and ablest senators that had ever flourished in England, thought proper to confer on the king a supply of two subsidies, amounting to 112,000 pounds².

THIS measure, which discovers rather a cruel mockery of Charles, than any serious design of supporting him, appears so extraordinary, when

² A subsidy was now fallen to about 56,000 pounds. Cabala, p. 224. first edit.

C H A P.

L.

1625.

considered in all its circumstances, that it naturally summons up our attention, and raises an inquiry concerning the causes of a conduct, unprecedented in an English parliament. So numerous an assembly, composed of persons of various dispositions, was not, it is probable, wholly influenced by the same motives; and few declared openly their true reason. We shall, therefore, approach nearer to the truth, if we mention all the views, which the present conjuncture could suggest to them.

It is not to be doubted, but spleen and ill-will against the duke of Buckingham had an influence with many. So vast and rapid a fortune, so little merited, could not fail to excite public envy; and, however men's hatred might have been suspended for a moment, while the duke's conduct seemed to gratify their passions and their prejudices, it was impossible for him long to preserve the affections of the people. His influence over the modesty of Charles exceeded even that which he had acquired over the weakness of James; nor was any public measure conducted but by his counsel and direction. His vehement temper prompted him to raise suddenly, to the highest elevation, his flatterers and dependents: And upon the least occasion of displeasure, he threw them down with equal impetuosity and violence. Implacable in his hatred; fickle in his friendships: All men were either regarded as his enemies, or dreaded soon to become such. The whole power of the kingdom was grasped by his insatiable hand; while he both engrossed the
entire

entire confidence of his master, and held, invested C H A P.
in his single person, the most considerable offices
of the crown. L.
1627

HOWEVER the ill-humor of the commons might have been increased by these considerations, we are not to suppose them the sole motives. The last parliament of James, amidst all their joy and festivity, had given him a supply very disproportioned to his demand and to the occasion. And, as every house of commons, which was elected during forty years, succeeded to all the passions and principles of their predecessors; we ought rather to account for this obstinacy from the general situation of the kingdom during that whole period, than from any circumstances, which attended this particular conjuncture.

THE nation was very little accustomed at that time to the burthen of taxes, and had never opened their purses in any degree for supporting their sovereign. Even Elizabeth, notwithstanding her vigor and frugality, and the necessary wars in which she was engaged, had reason to complain of the commons in this particular; nor could the authority of that princess, which was otherwise almost absolute, ever extort from them the requisite supplies. Habits, more than reason, we find, in every thing, to be the governing principle of mankind. In this view likewise the sinking of the value of subsidies must be considered as a loss to the king. The parliament swayed by custom would not augment their number in the same proportion.

C H A P. THE puritanical party, though disguised,
 L. had a great authority over the kingdom; and
 1625. many of the leaders, among the commons, had
 secretly embraced the rigid tenets of that sect.
 All these were disgusted with the court, both by
 the prevalence of the principles of civil liberty
 essential to their party; and on account of the
 restraint, under which they were held by the
 established hierarchy. In order to fortify himself
 against the resentment of James, Buckingham had
 affected popularity, and entered into the cabals
 of the puritans: But, being secure of the con-
 fidence of Charles, he had since abandoned this
 party; and, on that account, was the more
 exposed to their hatred and resentment. Though
 the religious schemes of many of the puritans,
 when explained, appear pretty frivolous, we are
 not thence to imagine, that they were pursued
 by none but persons of weak understandings.
 Some men of the greatest parts and most extensive
 knowledge, that the nation, at this time, pro-
 duced, could not enjoy any peace of mind; because
 obliged to hear prayers offered up to the Divinity,
 by a priest covered with a white linen vestment.

THE match with France and the articles in
 favor of catholics, which were suspected to be
 in the treaty, were likewise causes of disgust to
 this whole party: Though it must be remarked,
 that the connexions with that crown were much
 less obnoxious to the protestants, and less agreeable
 to the catholics, than the alliance formerly pro-

jected with Spain, and were therefore received rather with pleasure than dissatisfaction. C H A P. L.

To all these causes we must yet add another, of considerable moment. The house of commons, we may observe, was almost entirely governed by a set of men of the most uncommon capacity and the largest views: Men, who were now formed into a regular party, and united, as well by fixed aims and projects, as by the hardships which some of them had undergone in prosecution of them. Among these we may mention the names of Sir Edward Coke, Sir Edwin Sandys, Sir Robert Philips, Sir Francis Seymour, Sir Dudley Digges, Sir John Elliot, Sir Thomas Wentworth, Mr. Selden, and Mr. Pym. Animated with a warm regard to liberty, these generous patriots saw with regret an unbounded power exercised by the crown, and were resolved to seize the opportunity, which the king's necessities offered them, of reducing the prerogative within more reasonable compass. Though their ancestors had blindly given way to practices and precedents favorable to kingly power, and had been able, notwithstanding, to preserve some small remains of liberty; it would be impossible, they thought, when all these pretensions were methodized and prosecuted by the increasing knowledge of the age, to maintain any shadow of popular government, in opposition to such unlimited authority in the sovereign. It was necessary to fix a choice: Either to abandon entirely the privileges of the people, or to secure them by firmer and more

1625.

C. H. A. P. precise barriers than the constitution had hitherto
 L. provided for them. In this dilemma, men of
 1625. such aspiring geniuses and such independent fortunes could not long deliberate: They boldly embraced the side of freedom, and resolved to grant no supplies to their necessitous prince, without extorting concessions in favor of civil liberty. The end, they esteemed beneficent and noble: The means, regular and constitutional. To grant or refuse supplies was the undoubted privilege of the commons. And as all human governments, particularly those of a mixed frame, are in continual fluctuation; it was as natural, in their opinion, and allowable, for popular assemblies to take advantage of favorable incidents, in order to secure the subject; as for monarchs, in order to extend their own authority. With pleasure they beheld the king involved in a foreign war, which rendered him every day more dependent on the parliament; while at the same time the situation of the kingdom, even without any military preparations, gave it sufficient security against all invasion from foreigners. Perhaps too, it had partly proceeded from expectations of this nature, that the popular leaders had been so urgent for a rupture with Spain; nor is it credible, that religious zeal could so far have blinded all of them as to make them discover, in such a measure, any appearance of necessity, or any hopes of success.

BUT, however natural all these sentiments might appear to the country-party, it is not to be

imagined, that Charles would entertain the same ideas. Strongly prejudiced in favor of the duke, whom he had heard so highly extolled in parliament, he could not conjecture the cause of so sudden an alteration in their opinions. And when the war, which they themselves had so earnestly solicited, was at last commenced, the immediate desertion of their sovereign could not but seem very unaccountable. Even though no farther motive had been suspected, the refusal of supply in such circumstances, would naturally to him appear cruel and deceitful: But when he perceived, that this measure proceeded from an intention of encroaching on his authority, he failed not to regard these aims as highly criminal and traitorous. Those lofty ideas of monarchical power, which were very commonly adopted during that age, and to which the ambiguous nature of the English constitution gave so plausible an appearance, were firmly rivetted in Charles; and however moderate his temper, the natural and unavoidable prepossessions of self-love, joined to the late uniform precedents in favor of prerogative, had made him regard his political tenets as certain and uncontroverted. Taught to consider even the ancient laws and constitution more as lines to direct his conduct than barriers to withstand his power; a conspiracy to erect new ramparts, in order to straiten his authority, appeared but one degree removed from open sedition and rebellion. So atrocious in his eyes was such a design, that he seems even unwilling to impute it to the

C H A P.

L.

1625

C H A P. commons : And, though he was constrained to
 L. adjourn the parliament by reason of the plague,
 1625. which at that time raged in London; he imme-
 11th July. diately re-assembled them at Oxford, and made a
 1st August. new attempt to gain from them some supplies in
 such an urgent necessity.

Parliament
 at Oxford.

CHARLES now found himself obliged to depart from that delicacy, which he had formerly maintained. By himself or his ministers, he entered into a particular detail, both of the alliances which he had formed, and of the military operations which he had projected³. He told the parliament, that, by a promise of subsidies, he had engaged the king of Denmark to take part in the war; that this monarch intended to enter Germany by the north, and to rouse to arms those princes, who impatiently longed for an opportunity of asserting the liberty of the empire; that Mansfeld had undertaken to penetrate with an English army into the Palatinate, and by that quarter to excite the members of the evangelical union; that the states must be supported in the unequal warfare which they maintained with Spain; that no less a sum than 700,000 pounds a-year had been found, by computation, requisite for all these purposes; that the maintenance of the fleet and the defence of Ireland demanded an annual expence of 400,000 pounds; that he himself had already exhausted and anticipated, in the public service, his whole revenue, and had scarcely left

³ Dugdale, p. 25, 26.

sufficient for the daily subsistence of himself and his family^{*}; that on his accession to the crown, he found a debt of above 300,000 pounds, contracted by his father, in support of the Palatine; and that, while prince of Wales, he had himself contracted debts, notwithstanding his great frugality, to the amount of 70,000 pounds, which he had expended entirely on naval and military armaments. After mentioning all these facts, the king even condescended to use entreaties. He said, that this request was the first that he had ever made them; that he was young and in the commencement of his reign; and, if he now met with kind and dutiful usage, it would endear to him the use of parliaments, and would for ever preserve an entire harmony between him and his people[†].

To these reasons the commons remained inexorable. Notwithstanding that the king's measures, on the supposition of a foreign war, which they had constantly demanded, were altogether unexceptionable, they obstinately refused any farther aid. Some members favorable to the court, having insisted on an addition of two fifteenths to the former supply, even this pittance was refused[‡]; though it was known, that a fleet and army were lying at Portsmouth, in great want

^{*} Parl. Hist. vol. vi. p. 396.

[†] Rush. vol. i. p. 177, 178, &c. Parl. Hist. vol. vi. p. 399. Franklyn. p. 108, 109. Journ. 10 Aug. 1625.

[‡] Rush. vol. i. p. 190.

C H A P. of pay and provisions ; and that Buckingham, the
 L. admiral , and the treasurer of the navy , had ad-
 1625. vanced on their own credit near a hundred thou-
 sand pounds for the sea-service². Besides all their
 other motives , the house of commons had made
 a discovery , which , as they wanted but a pre-
 tence for their refusal , inflamed them against the
 court and against the duke of Buckingham.

WHEN James deserted the Spanish alliance,
 and courted that of France , he had promised to
 furnish Lewis , who was entirely destitute of
 naval force , with one ship of war together with
 seven armed vessels , hired from the merchants.
 These the French court had pretended they
 would employ against the Genoese , who , being
 firm and useful allies to the Spanish monarchy ,
 were naturally regarded with an evil eye , both
 by the king of France and of England. When
 these vessels , by Charles's orders , arrived at
 Dieppe , there arose a strong suspicion , that they
 were to serve against Rochelle. The sailors were
 inflamed. That race of men , who are at present
 both careless and ignorant in all matters of re-
 ligion , were at that time only ignorant. They
 drew up a remonstrance to Pennington , their
 commander ; and signing all their names in a
 circle , lest he should discover the ringleaders ,
 they laid it under his prayer-book. Pennington
 declared , that he would rather be hanged in
 England for disobedience , than fight against his

² Parl. Hist. vol. vi. p. 390.

brother protestants in France. The whole squadron failed immediately to the Downs. There they received new orders from Buckingham, lord admiral, to return to Dieppe. As the duke knew, that authority alone would not suffice, he employed much art and many subtilties to engage them to obedience, and a rumor, which was spread, that peace had been concluded between the French king and the hugonots, assisted him in his purpose. When they arrived at Dieppe, they found that they had been deceived. Sir Ferdinando Gorges, who commanded one of the vessels, broke through and returned to England. All the officers and sailors of all the other ships, notwithstanding great offers made them by the French, immediately deserted. One gunner alone preferred duty towards his king to the cause of religion; and he was afterwards killed in charging a cannon before Rochelle^{*}. The care, which historians have taken to record this frivolous event, proves with what pleasure the news was received by the nation.

THE house of commons, when informed of these transactions, showed the same attachment with the sailors for the protestant religion; nor was their zeal much better guided by reason and sound policy. It was not considered, that it was highly probable the king and the duke themselves had here been deceived by the artifices of France,

^{*} Franklyn, p. 109. Rush. vol. i. p. 175, 176, &c. 325, 326, &c.

C H A P. L. 1625. nor had they any hostile intention against the Hugonots; that, were it otherwise, yet might their measures be justified by the most obvious and most received maxims of civil policy; that, if the force of Spain were really so exorbitant as the commons imagined, the French monarch was the only prince that could oppose its progress, and preserve the balance of Europe; that his power was at present fettered by the Hugonots, who, being possessed of many privileges and even of fortified towns, formed an empire within his empire, and kept him in perpetual jealousy and inquietude; that an insurrection had been at that time, wantonly and voluntarily, formed by their leaders, who, being disgusted in some court-intrigue, took advantage of the never-failing pretence of religion, in order to cover their rebellion; that the Dutch, influenced by these views, had ordered a squadron of twenty ships to join the French fleet, employed against the inhabitants of Rochelle⁹; that the Spanish monarch, sensible of the same consequences, secretly supported the protestants in France; and that all princes had ever sacrificed to reasons of state the interests of their religion in foreign countries. All these obvious considerations had no influence. Great murmurs and discontents still prevailed in parliament. The Hugonots, though they had no ground of complaint against the French court, were thought to be as much entitled to assistance from England, as if they had taken arms in defence of their

⁹ Journ. 18 April, 1626.

liberties and religion against the persecuting rage of the catholics. And it plainly appears from this incident, as well as from many others, that, of all European nations, the British were at that time, and till long after, the most under the influence of that religious spirit, which tends rather to inflame bigotry than increase peace and mutual charity.

ON this occasion, the commons renewed their eternal complaints against the growth of popery, which was ever the chief of their grievances, and now their only one¹⁰. They demanded a strict execution of the penal laws against the catholics, and remonstrated against some late pardons, granted to priests¹¹. They attacked Montague, one of the king's chaplains, on account of a moderate book, which he had lately published, and which, to their great disgust, saved virtuous catholics, as well as other Christians, from eternal torments¹². Charles gave them a gracious and a compliant answer to all their remonstrances. He was however, in his heart, extremely averse to these furious measures. Though a determined protestant, by principle as well as inclination, he had entertained no violent horror against popery; and a little humanity, he thought, was due by the nation to the religion of their ancestors. That degree of liberty, which is now indulged to catholics, though a party much more ob-

¹⁰ Franklyn, p. 3, &c.

¹¹ Parl. Hist. vol. vi. p. 374. Journ. 1 Aug. 1625.

¹² Parl. Hist. vol. vi. p. 353. Journ. 7 July, 1625.

C H A P. L. 1629. noxious than during the reign of the Stuarts, it suited neither with Charles's sentiments, nor the humor of the age, to allow them. An abatement of the more rigorous laws was all he intended; and his engagements with France, notwithstanding that their regular execution had never been promised or expected, required of him some indulgence. But so unfortunate was this prince, that no measure, embraced during his whole reign, was ever attended with more unhappy and more fatal consequences.

THE extreme rage against popery was a sure characteristic of puritanism. The house of commons discovered other infallible symptoms of the prevalence of that party. They petitioned the king for replacing such able clergy as had been silenced for want of conformity to the ceremonies¹³. They also enacted laws for the strict observance of Sunday, which the Puritans affected to call the Sabbath, and which they sanctified by the most melancholy indolence¹⁴. It is to be remarked, that the different appellations of this festival were at that time known symbols of the different parties.

THE king, finding that the parliament was resolved to grant him no supply, and would furnish him with nothing but empty protestations of duty¹⁵, or disagreeable complaints of grievances, took

¹³ Rush. vol. i. p. 281.

¹⁴ 1 Car. I. cap. 1. Journ. 21 June, 1625.

¹⁵ Franklyn, p. 113. Rushworth, vol. i. p. 190.

advantage of the plague¹⁶, which began to appear at Oxford, and on that pretence, immediately dissolved them. By finishing the session with a dissolution, instead of a prorogation, he sufficiently expressed his displeasure at their conduct.

C H A P.
L.
1625.

To supply the want of parliamentary aids, Charles issued privy-seals for borrowing money from his subjects¹⁷. The advantage reaped by this expedient was a small compensation for the disgust which it occasioned. By means, however, of that supply, and by other expedients, he was, though with difficulty, enabled to equip his fleet. It consisted of eighty vessels, great and small, and carried on board an army of 10,000 men. Sir Edward Cecil, lately created Viscount Wimbleton, was intrusted with the command. He sailed immediately for Cadiz, and found the bay full of Spanish ships of great value. He either neglected to attack these ships, or attempted it preposterously. The army was landed, and a fort taken: But the undisciplined soldiers, finding store of wine, could not be restrained from the

August 12.

October 1.

Naval expedition against Spain.

¹⁶ The plague was really so violent, that it had been moved in the house, at the beginning of the session, to petition the king to adjourn them. Journ. 21 June, 1625. So it was impossible to enter upon grievances, even if there had been any. The only business of the parliament was to give supply, which was so much wanted by the king, in order to carry on the war in which they had engaged him.

¹⁷ Rush. vol. i. p. 192. Parl. Hist, vol. vi. p. 407.

C H 'A P. L. utmost excesses. Farther stay appearing fruitless, they were reimbarked; and the fleet put to sea with an intention of intercepting the Spanish galleons. But the plague having seized the seamen and soldiers, they were obliged to abandon all hopes of this prize, and return to England. Loud complaints were made against the court for intrusting so important a command to a man like Cecil, whom, though he possessed great experience, the people, judging by the event, esteemed of slender capacity¹⁸.

November.

1626.

Second par-
liament.

CHARLES, having failed of so rich a prize, was obliged again to have recourse to a parliament. Though the ill success of his enterprises diminished his authority, and showed every day, more plainly the imprudence of the Spanish war; though the increase of his necessities rendered him more dependent, and more exposed to the encroachments of the commons; he was resolved to try once more that regular and constitutional expedient for supply. Perhaps too, a little political art, which at that time he practised, was much trusted to. He had named four popular leaders, sheriffs of counties; Sir Edward Coke, Sir Robert Philips, Sir Thomas Wentworth, and Sir Francis Seymour; and, though the question had been formerly much contested¹⁹, he thought that he

¹⁸ Franklyn, p. 113. Rushworth, vol. i. p. 196.

¹⁹ It is always an express clause in the writ of summons that no sheriff shall be chosen; but the contrary practice had often prevailed. D'Ewes, p. 38. Yet still great doubts were entertained on this head. See Journ. 9 April, 1614.

had by that means incapacitated them from being elected members. But his intention being so evident, rather put the commons more upon their guard. Enow of patriots still remained to keep up the ill humor of the house; and men needed but little instruction or rhetoric to recommend to them practices, which increased their own importance and consideration. The weakness of the court also could not more evidently appear, than by its being reduced to use so ineffectual an expedient, in order to obtain an influence over the commons.

THE views, therefore, of the last parliament were immediately adopted; as if the same men had been every where elected, and no time had intervened since their meeting. When the king laid before the house his necessities, and asked for supply, they immediately voted him three subsidies and three fifteenths; and though they afterwards added one subsidy more, the sum was little proportioned to the greatness of the occasion, and ill fitted to promote those views of success and glory, for which this young prince, in his first enterprise, so ardently longed. But this circumstance was not the most disagreeable one. The supply was only voted by the commons. The passing of that vote into a law was reserved till the end of the session²⁰. A condition was thereby made, in a very undisguised manner, with their sovereign. Under color of redressing

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February 6.

²⁰ Journ. 27 March, 1626.

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grievances, which, during this short reign, could not be very numerous; they were to proceed in regulating and controuling every part of government, which displeased them: And if the king either cut them short in this undertaking, or refused compliance with their demands, he must not expect any supply from the commons. Great dissatisfaction was expressed by Charles at a treatment, which he deemed so harsh and undutiful²¹. But his urgent necessities obliged him to submit; and he waited with patience, observing to what side they would turn themselves.

Impeach-
ment of
Bucking-
ham.

THE duke of Buckingham, formerly obnoxious to the public, became every day more unpopular, by the symptoms which appeared both of his want of temper and prudence, and of the uncontrouled ascendant, which he had acquired over his master²². Two violent attacks he was obliged this session to sustain; one from the earl of Bristol, another from the house of commons.

As long as James lived, Bristol, secure of the concealed favor of that monarch, had expressed all duty and obedience; in expectation that an opportunity would offer of re-instating himself in his former credit and authority. Even after

²¹ Parliamentary History, vol. vi. p. 449. Rushworth, vol. i. p. 224.

²² His credit with the king had given him such influence, that he had no less than twenty proxies granted him this parliament by so many peers; which occasioned a vote, that no peer should have above two proxies. The earl of Leicester in 1585 had once ten proxies. D'Ewes, p. 314.

Charles's

Charles's accession, he despaired not. He submitted to the king's commands of remaining at his country-seat, and of absenting himself from parliament. Many trials he made to regain the good opinion of his master; but finding them all fruitless, and observing Charles to be entirely governed by Buckingham, his implacable enemy, he resolved no longer to keep any measures with the court. A new spirit, he saw, and a new power arising in the nation; and to these he was determined for the future to trust for his security and protection.

C. II A P.
L.
1636.

WHEN the parliament was summoned, Charles, by a stretch of prerogative, had given orders that no writ, as is customary, should be sent to Bristol²³. That nobleman applied to the house of lords by petition; and craved their good offices with the king for obtaining what was his due as a peer of the realm. His writ was sent him; but accompanied with a letter from the lord keeper, Coventry, commanding him, in the king's name, to absent himself from parliament. This letter Bristol conveyed to the lords, and asked advice how to proceed in so delicate a situation²⁴. The king's prohibition was withdrawn, and Bristol took his seat. Provoked at these repeated instances of rigor, which the court denominated contumacy, Charles ordered his attorney-general to enter an accusation of high

²³ Rushworth, vol. i. p. 236.

²⁴ Ibid. vol. i. p. 237. Franklyn, p. 120, &c.

C H A P. treason against him. By way of recrimination,
 L. Bristol accused Buckingham of high treason. Both
 1626. the earl's defence of himself and accusation of the
 duke remain ²⁵; and together with some original
 letters still extant, contain the fullest and most
 authentic account of all the negociations with the
 house of Austria. From the whole, the great
 imprudence of the duke evidently appears, and
 the sway of his ungovernable passions; but it
 would be difficult to collect thence any action,
 which in the eye of the law could be deemed a
 crime; much less could subject him to the penalty
 of treason.

THE impeachment of the commons was still
 less dangerous to the duke, were it estimated by
 the standard of law and equity. The house,
 after having voted, upon some queries of Dr.
 Turner's, *that common fame was a sufficient ground*
of accusation by the commons ²⁶, proceeded to frame
 regular articles against Buckingham. They ac-
 cused him, of having united many offices in his
 person; of having bought two of them; of neg-
 lecting to guard the seas, insomuch that many
 merchant-ships had fallen into the hands of the
 enemy; of delivering ships to the French king,
 in order to serve against the Hugonots; of being
 employed in the sale of honors and offices; of
 accepting extensive grants from the crown; of

²⁵ Rushworth, vol. i. p. 256. 262, 263, &c. Frank-
 lyn, p. 123, &c.

²⁶ Rushworth, vol. i. p. 217. Whitlocke, p. 5.

procuring many titles of honor for his kindred; and of administering physic to the late king without acquainting his physicians. All these articles appear, from comparing the accusation and reply, to be either frivolous, or false, or both²⁷. The only charge, which could be regarded as important, was, that he had extorted a sum of ten thousand pounds from the East-India company, and that he had confiscated some goods belonging to French merchants, on pretence of their being the property of Spanish. The impeachment never came to a full determination; so that it is difficult for us to give a decisive opinion with regard to these articles: But it must be confessed, that the duke's answer in these particulars, as in all the rest, is so clear and satisfactory, that it is impossible to refuse our assent to it²⁸. His faults and blemishes were in many respects very great; but rapacity and avarice were vices, with which he was entirely unacquainted.

It is remarkable, that the commons, though so much at a loss to find articles of charge against Buckingham, never adopted Bristol's accusation, or impeached the duke for his conduct in the Spanish treaty, the most blameable circumstance in his whole life. He had reason to believe the Spaniards sincere in their professions; yet, in order to gratify his private passions, he had hurried his master and his country into a war pernicious.

²⁷ Rushworth, vol. i. p. 306, &c. 375, &c. Journ. 25 March, 1626.

²⁸ Whitlocke, p. 7.

C H A P. cious to the interests of both. But so rivetted
 L. throughout the nation were the prejudices with
 1626. regard to Spanish deceit and falsehood, that very
 few of the commons seem as yet to have been
 convinced that they had been seduced by Buck-
 ingham's narrative: A certain proof that a dis-
 covery of this nature was not, as is imagined
 by several historians, the cause of so sudden
 and surprising a variation in the measures of the
 parliament²⁹.

WHILE the commons were thus warmly en-
 gaged against Buckingham, the king seemed
 desirous of embracing every opportunity, by
 which he could express a contempt and disregard
 for them. No one was at that time sufficiently
 sensible of the great weight, which the commons
 bore in the balance of the constitution. The
 history of England had never hitherto afforded
 one instance, where any great movement or re-
 volution had proceeded from the lower house.
 And as their rank, both considered in a body
 and as individuals, was but the second in the
 kingdom; nothing less than fatal experience could
 engage the English princes to pay a due regard to
 the inclinations of that formidable assembly.

THE earl of Suffolk, chancellor of the univer-
 sity of Cambridge, dying about this time, Buck-
 ingham, though lying under impeachment, was
 yet, by means of court-interest, chosen in his
 place. The commons resented and loudly com-

²⁹ See note [T] at the end of the volume.

plained of this affront; and the more to enrage them, the king himself wrote a letter to the university, extolling the duke, and giving them thanks for his election ³⁰.

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THE lord keeper, in the king's name, expressly commanded the house not to meddle with his minister and servant, Buckingham; and ordered them to finish, in a few days, the bill, which they had begun for the subsidies, and to make some addition to them; otherwise they must not expect to sit any longer ³¹. And though these harsh commands were endeavoured to be explained and mollified, a few days after, by a speech of Buckingham's ³², they failed not to leave a disagreeable impression behind them.

BESIDES a more stately style, which Charles in general affected to this parliament than to the last, he went so far, in a message, as to threaten the commons, that, if they did not furnish him with supplies, he should be obliged to try *new counsels*. This language was sufficiently clear: Yet, lest any ambiguity should remain, Sir Dudley Carleton, vice-chamberlain, took care to explain it. "I pray you consider," said he, "what these new counsels are or may be. I fear to declare those that I conceive. In all Christian kingdoms, you know that parliaments were

³⁰ Rushworth, vol. i. p. 371.

³¹ Parl. Hist. vol. vi. p. 444.

³² Id. *ibid.* p. 451. Rushworth, vol. i. p. 225. Franklyn, p. 118.

C H A P. " in use anciently , by which those kingdoms
 L. " were governed in a most flourishing manner;
 1626. " until the monarchs began to know their own
 " strength , and , seeing the turbulent spirit of
 " their parliaments , at length they , by little and
 " little , began to stand on their prerogatives , and
 " at last overthrew the parliaments , throughout
 " Christendom , except here only with us. —
 " Let us be careful then to preserve the king's
 " good opinion of parliaments , which bringeth
 " such happiness to this nation , and makes us
 " envied of all others , while there is this sweet-
 " ness between his majesty and the commons ;
 " lest we lose the repute of a free people by
 " our turbulency in parliament ³³. " These im-
 prudent suggestions rather gave warning than
 struck terror. A precarious liberty , the commons
 thought , which was to be preserved by unlimited
 complaisance , was no liberty at all. And it was
 necessary , while yet in their power , to secure
 the constitution by such invincible barriers , that
 no king or minister should ever , for the future ,
 dare to speak such a language to any parliament ,
 or even entertain such a project against them.

Two members of the house , Sir Dudley Digges
 and Sir John Elliot , who had been employed as
 managers of the impeachment against the duke ,
 were thrown into prison ³⁴. The commons im-
 mediately declared , that they would proceed no

³³ Rushworth , vol. i. p. 359. Whitlocke , p. 6.

³⁴ Rushworth , vol. i. p. 356.

farther upon business, till they had satisfaction in their privileges. Charles alledged, as the reason of this measure, certain seditious expressions, which, he said, had, in their accusation of the duke, dropped from these members. Upon inquiry, it appeared, that no such expression had been used ³⁵. The members were released, and the king reaped no other benefit from this attempt than to exasperate the house still farther, and to show some degree of precipitancy and indiscretion.

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MOVED by this example, the house of peers were roused from their inactivity; and claimed liberty for the earl of Arundel, who had been lately confined in the Tower. After many fruitless evasions, the king, though somewhat ungracefully, was at last obliged to comply ³⁶. And in this incident, it sufficiently appeared, that the lords, how little soever inclined to popular courses, were not wanting in a just sense of their own dignity.

THE ill humor of the commons, thus wantonly irritated by the court, and finding no gratification in the legal impeachment of Buckingham, sought other objects, on which it might exert itself. The never-failing cry of popery here served them in stead. They again claimed the execution of the penal laws against catholics; and they

³⁵ Rushworth, p. 358. 361. Franklyn, p. 180.

³⁶ Rushworth, vol. i. p. 363, 364, &c. Franklyn, p. 181.

C H A P. presented to the king a list of persons, intrusted
 L. with offices, most of them insignificant, who
 1626. were either convicted or suspected recusants ³⁷. In this particular, they had, perhaps, some reason to blame the king's conduct. He had promised to the last house of commons a redress of this religious grievance: But he was apt, in imitation of his father, to imagine, that the parliament, when they failed of supplying his necessities, had, on their part, freed him from the obligation of a strict performance. A new odium, likewise, by these representations, was attempted to be thrown upon Buckingham. His mother, who had great influence over him, was a professed catholic; his wife was not free from suspicion: And the indulgence given to catholics was of course supposed to proceed entirely from his credit and authority. So violent was the bigotry of the times, that it was thought a sufficient reason for disqualifying any one from holding an office, that his wife, or relation, or companions, were papists, though he himself were a conformist ³⁸.

It is remarkable, that persecution was here chiefly pushed on by laymen; and that the church was willing to have granted more liberty than would be allowed by the commons. The reconciling doctrines likewise of Montague failed not a-new to meet with severe censures from that zealous assembly ³⁹.

³⁷ Franklyn, p. 159. Rushworth.

³⁸ See the list in Franklyn and Rushworth.

³⁹ Rushworth, vol. i. p. 209.

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THE next attack, made by the commons, had it prevailed, would have proved decisive. They were preparing a remonstrance against the levying of tonnage and poundage without consent of parliament. This article, together with the new impositions laid on merchandize by James, constituted near half of the crown-revenues; and by depriving the king of these resources, they would have reduced him to total subjection and dependence. While they retained such a pledge, besides the supply already promised, they were sure that nothing could be refused them. Though after canvassing the matter near three months, they found themselves utterly incapable of fixing any legal crime upon the duke, they regarded him as an unable and perhaps a dangerous minister; and they intended to present a petition, which would then have been equivalent to a command, for removing him from his majesty's person and councils ⁴⁰.

THE king was alarmed at the yoke which he saw prepared for him. Buckingham's sole guilt, he thought, was the being his friend and favorite ⁴¹. All the other complaints against him were mere pretences. A little before he was the idol of the people. No new crime had since been discovered. After the most diligent inquiry, prompted by the greatest malice, the smallest appearance of guilt could not be fixed upon him. What

⁴⁰ Rushworth, vol. i. p. 400. Franklyn, p. 199.

⁴¹ Ibid. p. 178.

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idea, he asked, must all mankind entertain of his honor, should he sacrifice his innocent friend to pecuniary considerations? What farther authority should he retain in the nation, were he capable, in the beginning of his reign, to give, in so signal an instance, such matter of triumph to his enemies, and discouragement to his adherents? To-day, the commons pretend to wrest his minister from him. To-morrow, they will attack some branch of his prerogative. By their remonstrances, and promises, and protestations, they had engaged the crown in a war. As soon as they saw a retreat impossible, without waiting for new incidents, without covering themselves with new pretences, they immediately deserted him, and refused him all reasonable supply. It was evident, that they desired nothing so much as to see him plunged in inextricable difficulties, of which they intended to take advantage. To such deep perfidy, to such unbounded usurpations, it was necessary to oppose a proper firmness and resolution. All encroachments on supreme power could only be resisted successfully on the first attempt. The sovereign authority was, with some difficulty, reduced from its ancient and legal height; but when once pushed downwards, it soon became contemptible, and would easily, by the continuance of the same effort, now encouraged by success, be carried to the lowest extremity.

PROMPTED by these plausible motives, Charles was determined immediately to dissolve the

parliament. When this resolution was known, the house of peers, whose compliant behaviour entitled them to some authority with him, endeavoured to interpose ⁴²; and they petitioned him, that he would allow the parliament to sit some time longer. *Not a moment longer*, cried the king hastily ⁴³; and he soon after ended the session by a dissolution.

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As this measure was foreseen, the commons took care to finish and disperse their remonstrance, which they intended as a justification of their conduct to the people. The king likewise, on his part, published a declaration, in which he gave the reasons of his disagreement with the parliament, and of their sudden dissolution, before they had time to conclude any one act ⁴⁴. These papers furnished the partisans on both sides with ample matter of apology or of recrimination. But all impartial men judged, “*That the commons, though they had not as yet violated any law, yet, by their unpliability and independence, were insensibly changing, perhaps improving, the spirit and genius, while they preserved the forms, of the constitution: And that the king was acting altogether without any plan; running on in a road surrounded on all sides with the most dangerous precipices, and concerting no proper measures, either for submitting to the obstinacy of the commons, or for subduing it.*”

15th June.

⁴² Rushworth, vol. i. p. 398.

⁴³ Sanderson's Life of Charles I. p. 58.

⁴⁴ Franklyn, p. 203, &c. Parl. hist. vol. vii. p. 300.

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AFTER a breach with the parliament, which seemed so difficult to repair, the only rational counsel, which Charles could pursue, was immediately to conclude a peace with Spain, and to render himself, as far as possible, independent of his people, who discovered so little inclination to support him, or rather who seem to have formed a determined resolution to abridge his authority. Nothing could be more easy in the execution than this measure, nor more agreeable to his own and to national interest. But, besides the treaties and engagements, which he had entered into with Holland and Denmark, the king's thoughts were at this time averse to pacific counsels. There are two circumstances in Charles's character, seemingly incompatible, which attended him during the whole course of his reign, and were in part the cause of his misfortunes: He was very steady and even obstinate in his purpose; and he was easily governed, by reason of his facility, and of his deference to men much inferior to himself both in morals and understanding. His great ends he inflexibly maintained: But the means of attaining them, he readily received from his ministers and favorites, though not always fortunate in his choice. The violent, impetuous Buckingham, inflamed with a desire of revenge for injuries which he himself had committed, and animated with a love of glory which he had not talents to merit, had at this time, notwithstanding his profuse licentious

life, acquired an invincible ascendant over the virtuous and gentle temper of the king. C H A P.
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THE *new counsels*, which Charles had mentioned to the parliament, were now to be tried, in order to supply his necessities. Had he possessed any military force, on which he could rely, it is not improbable, that he had at once taken off the mask, and governed without any regard to parliamentary privileges: So high an idea had he conceived of kingly prerogative, and so contemptible a notion of the rights of those popular assemblies, from which, he very naturally thought, he had met with such ill usage. But his army was new levied, ill paid, and worse disciplined; no-wise superior to the militia, who were much more numerous, and who were in a great measure under the influence of the country-gentlemen. It behoved him, therefore, to proceed cautiously, and to cover his enterprises under the pretence of ancient precedents, which, considering the great authority commonly enjoyed by his predecessors, could not be wanting to him.

1626.

Violent
measures of
the court.

A COMMISSION was openly granted to compound with the catholics, and agree for dispensing with the penal laws enacted against them⁴⁵. By this expedient, the king both filled his coffers, and gratified his inclination of giving indulgence to these religionists: But he could not have employed any branch of prerogative, which would have been more disagreeable, or would have

⁴⁵ Rushworth, vol. i. p. 413. Whitlocke, p. 7.

C H A P. appeared more exceptionable, to his protestant
L. subjects.

1626.

FROM the nobility, he desired assistance: From the city, he required a loan of 100,000 pounds. The former contributed slowly: But the latter, covering themselves under many pretences and excuses, gave him at last a flat refusal ⁴⁶.

IN order to equip a fleet, a distribution, by order of council, was made to all the maritime towns; and each of them was required, with the assistance of the adjacent counties, to arm so many vessels as were appointed them ⁴⁷. The city of London was rated at twenty ships. This is the first appearance, in Charles's reign, of ship-money; a taxation which had once been imposed by Elizabeth, but which afterwards, when carried some steps farther by Charles, created such violent discontents.

OF some, loans were required ⁴⁸: To others the way of benevolence was proposed: Methods supported by precedent, but always invidious even in times more submissive and compliant. In the most absolute governments, such expedients would be regarded as irregular and unequal.

25th Aug. THESE counsels for supply were conducted with some moderation; till news arrived, that a great battle was fought between the king of Denmark and count Tilly, the Imperial general; in which the former was totally defeated. Money

⁴⁶ Rushworth, vol. i. p. 415. Franklyn, p. 206.

⁴⁷ Rushworth ut supra. ⁴⁸ Ibid. vol. i. p. 416.

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now, more than ever, became necessary, in order to repair so great a breach in the alliance, and to support a prince, who was so nearly allied to Charles, and who had been engaged in the war chiefly by the intrigues, solicitations, and promises of the English monarch. After some deliberation, an act of council was passed; importing, that as the urgency of affairs admitted not the way of parliament, the most speedy, equal, and convenient method of supply was by a GENERAL LOAN from the subject, according as every man was assessed in the rolls of the last subsidy. That precise sum was required, which each would have paid, had the vote of four subsidies passed into a law: But care was taken to inform the people, that the sums exacted were not to be called subsidies, but loans⁴⁹. Had any doubt remained, whether forced loans, however authorized by precedent, and even by statute, were a violation of liberty, and must, by necessary consequence, render all parliaments superfluous; this was the proper expedient for opening the eyes of the whole nation. The example of Henry VIII. who had once, in his arbitrary reign, practised a like method of levying a regular supply, was generally deemed a very insufficient authority.

THE commissioners appointed to levy these loans, among other articles of secret instruction, were enjoined, "If any shall refuse to lend, and

⁴⁹ Rushworth, vol. i. p. 418. Whitlocke, p. 8.

C H A P. " shall make delays or excuses, and persist in his
 L. " obstinacy, that they examine him upon oath,
 1626. " whether he has been dealt with to deny or re-
 " fuse to lend, or make an excuse for not lend-
 " ing? Who has dealt with him, and what
 " speeches or persuasions were used to that pur-
 " pose? And that they also shall charge every
 " such person, in his majesty's name, upon his
 " allegiance, not to disclose to any one what his
 " answer was⁵⁰. " So violent an inquisitorial
 power, so impracticable an attempt at secrecy,
 were the objects of indignation, and even, in
 some degree, of ridicule.

THAT religious prejudices might support civil authority, sermons were preached by Sibthorpe and Manwaring, in favor of the general loan; and the court industriously spread them over the kingdom. Passive obedience was there recommended in its full extent, the whole authority of the state was represented as belonging to the king alone, and all limitations of law and a constitution were rejected as seditious and impious⁵¹. So openly was this doctrine espoused by the court, that Archbishop Abbot, a popular and virtuous prelate, was, because he refused to license Sibthorpe's sermon, suspended from the exercise of his office, banished from London, and confined to one of his country-seats⁵². Abbot's

⁵⁰ Rushworth, vol. i. p. 419. Franklyn, p. 207.

⁵¹ Rushworth, vol. i. p. 422. Franklyn, p. 208.

⁵² Rushworth, p. 431.

principles of liberty, and his opposition to Buckingham, had always rendered him very ungracious at court, and had acquired him the character of a puritan. For it is remarkable, that this party made the privileges of the nation as much a part of their religion, as the church-party did the prerogatives of the crown; and nothing tended farther to recommend among the people, who always take opinions in the lump, the whole system and all the principles of the former sect. The king soon found, by fatal experience, that this engine of religion, which with so little necessity was introduced into politics, falling under more fortunate management, was played with the most terrible success against him.

WHILE the king, instigated by anger and necessity, thus employed the whole extent of his prerogative, the spirit of the people was far from being subdued. Throughout England, many refused these loans; some were even active in encouraging their neighbours to insist upon their common rights and privileges. By warrant of the council, *these* were thrown into prison³³. Most of them with patience submitted to confinement, or applied by petition to the king, who commonly released them. Five gentlemen alone, Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, Sir John Heveningham, and Sir Edmond Hamden, had spirit enough, at their own hazard and expense, to defend the

³³ Rushworth, vol. i. p. 429. Franklyn, p. 210.
VOL. VIII. V

C H A P. public liberties, and to demand releasement, not
 L. as a favor from the court, but as their due, by
 1626. the laws of their country⁵⁴. No particular cause
 was assigned of their commitment. The special
 command alone of the king and council was
 pleaded. And it was asserted, that, by law,
 this was not sufficient reason for refusing bail or
 releasement to the prisoners.

THIS question was brought to a solemn trial,
 before the king's bench; and the whole kingdom
 was attentive to the issue of a cause, which was
 of much greater consequence than the event of
 many battles.

By the debates on this subject, it appeared,
 beyond controversy, to the nation, that their
 ancestors had been so jealous of personal liberty,
 as to secure it against arbitrary power in the
 crown, by six⁵⁵ several statutes, and by an ar-
 ticle⁵⁶ of the GREAT CHARTER itself, the most
 sacred foundation of the laws and constitution.
 But the kings of England, who had not been
 able to prevent the enacting of these laws, had
 sufficient authority, when the tide of liberty was
 spent, to obstruct their regular execution; and
 they deemed it superfluous, to attempt the formal
 repeal of statutes which they found so many

⁵⁴ Rushworth, vol. i. p. 458. Franklyn, p. 224. Whitlocke,
 p. 8.

⁵⁵ 25 Edw. III. cap. 4. 28 Edw. III. cap. 3. 37 Edw.
 III. cap. 18. 38 Edw. III. cap. 9. 42 Edw. III. cap. 3.
 1 Richard II. cap. 12. ⁵⁶ Chap. 29.

expedients and pretences to elude. Turbulent and seditious times frequently occurred, when the safety of the people absolutely required the confinement of factious leaders; and by the genius of the old constitution, the prince, of himself, was accustomed to assume every branch of prerogative, which was found necessary for the preservation of public peace and of his own authority. Expedience, at other times, would cover itself under the appearance of necessity; and, in proportion as precedents multiplied, the will alone of the sovereign was sufficient to supply the place of expedience, of which he constituted himself the sole judge. In an age and nation where the power of a turbulent nobility prevailed, and where the king had no settled military force, the only means, that could maintain public peace, was the exertion of such prompt and discretionary powers in the crown; and the public itself had become so sensible of the necessity, that those ancient laws in favor of personal liberty, while often violated, had never been challenged or revived, during the course of near three centuries. Though rebellious subjects had frequently, in the open field, resisted the king's authority; no person had been found so bold, while confined and at mercy, as to set himself in opposition to regal power, and to claim the protection of the constitution, against the will of the sovereign. It was not till this age, when the spirit of liberty was universally diffused, when the principles of government were nearly reduced to a system,

C H A P.

L

1626.

C H A P. L. when the tempers of men, more civilized, seemed less to require those violent exertions of prerogative, that these five gentlemen above-mentioned, by a noble effort, ventured, in this national cause, to bring the question to a final determination. And the king was astonished to observe, that a power, exercised by his predecessors almost without interruption, was found, upon trial, to be directly opposite to the clearest laws, and supported by few undoubted precedents in courts of judicature. These had scarcely, in any instance, refused bail upon commitments by special command of the king; because the persons committed had seldom or never dared to demand it; at least, to insist on their demand.

1627.

SIR Randolph Crew, chief justice, had been displaced, as unfit for the purposes of the court: Sir Nicholas Hyde, esteemed more obsequious, had obtained that high office: Yet the judges, by his direction, went no farther than to remand the gentlemen to prison, and refuse the bail which was offered⁵⁷. Heathe, the attorney-general, insisted, that the court, in imitation of the judges in the 34th of Elizabeth⁵⁸, should enter a general judgment that no bail could be granted, upon a commitment by the king or council⁵⁹. But the judges wisely declined complying. The nation, they saw, was already, to the last degree,

⁵⁷ Rushworth, vol. i. p. 462.

⁵⁸ State Trials, vol. vii. p. 147.

⁵⁹ State Trials, *ibid.* p. 161.

exasperated. In the present disposition of men's minds, universal complaints prevailed, as if the kingdom were reduced to slavery. And the most invidious prerogative of the crown, it was said, that of imprisoning the subject, is here openly, and solemnly, and in numerous instances, exercised for the most invidious purpose; in order to extort loans, or rather subsidies, without consent of parliament.

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L.
1627.

BUT this was not the only hardship, of which, the nation then thought, they had reason to complain. The army, which had made the fruitless expedition to Cadiz, was dispersed throughout the kingdom; and money was levied upon the counties, for the payment of their quarters⁶⁰.

THE soldiers were billeted upon private houses, contrary to custom, which required, that, in all ordinary cases, they should be quartered in inns and public houses⁶¹.

THOSE, who had refused or delayed the loan, were sure to be loaded with a great number of these dangerous and disorderly guests.

MANY too, of low condition, who had shown a refractory disposition, were pressed into the service, and enlisted in the fleet or army⁶². Sir Peter Hayman, for the same reason, was dispatched on an errand to the Palatinate⁶³. Glanville, an eminent lawyer, had been obliged,

⁶⁰ Rushworth, vol. i. p. 419.

⁶¹ Ibid.

⁶² Ibid. p. 422.

⁶³ Ibid. p. 431.

C H A P. during the former interval of parliament, to accept
L. of an office in the navy⁶⁴.

1627.

THE soldiers, ill paid and undisciplined, committed many crimes and outrages; and much increased the public discontents. To prevent these disorders, martial law, so requisite to the support of discipline, was exercised upon the soldiers. By a contradiction, which is natural, when the people are exasperated, the outrages of the army were complained of; the remedy was thought still more intolerable⁶⁵. Though the expedience, if we are not rather to say, the necessity of martial law, had formerly been deemed, of itself, a sufficient ground for establishing it; men, now become more jealous of liberty, and more refined reasoners in questions of government, regarded, as illegal and arbitrary, every exercise of authority, which was not supported by express statute, or uninterrupted precedent.

It may safely be affirmed, that, except a few courtiers or ecclesiastics, all men were displeased with this high exertion of prerogative, and this new spirit of administration. Though ancient precedents were pleaded in favor of the king's measures; a considerable difference, upon comparison, was observed between the cases. Acts of power, however irregular, might casually, and at intervals, be exercised by a prince, for the

⁶⁴ Parl. Hist. vol. vii. p. 310.

⁶⁵ Rushworth, vol. i. p. 419. Whitlocke, p. 7.

sake of dispatch or expedience; and yet liberty
 still subsist, in some tolerable degree, under his
 administration. But where all these were reduced
 into a system, were exerted without interruption,
 were studiously sought for, in order to supply
 the place of laws, and subdue the refractory
 spirit of the nation; it was necessary to find some
 speedy remedy, or finally to abandon all hopes
 of preserving the freedom of the constitution.
 Nor did moderate men esteem the provocation,
 which the king had received, though great,
 sufficient to warrant all these violent measures.
 The commons, as yet, had nowise invaded his
 authority: They had only exercised, as best
 pleased them, their own privileges. Was he
 justifiable, because, from one house of parliament,
 he had met with harsh and unkind treatment, to
 make, in revenge, an invasion on the rights
 and liberties of the whole nation?

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BUT great was at this time the surprise of all
 men, when Charles, baffled in every attempt
 against the Austrian dominions, embroiled with
 his own subjects, unsupplied with any treasure
 but what he extorted by the most invidious and
 most dangerous measures; as if the half of
 Europe, now his enemy, were not sufficient for
 the exercise of military prowess; wantonly at-
 tacked France, the other great kingdom in his
 neighbourhood, and engaged at once in war
 against these two powers, whose interests were
 hitherto deemed so incompatible, that they could
 never, it was thought, agree either in the same

 War with
 France.

C H A P. friendships or enmities. All authentic memoirs,
 L. both foreign and domestic, ascribe to Bucking-
 1627. ham's counsels this war with France, and repre-
 sent him, as actuated by motives, which would
 appear incredible, were we not acquainted with
 the violence and temerity of his character.

THE three great monarchies of Europe were
 at this time ruled by young princes, Philip,
 Lewis, and Charles, who were nearly of the same
 age, and who had resigned the government of
 themselves, and of their kingdoms, to their
 creatures and ministers, Olivarez, Richelieu, and
 Buckingham. The people, whom the moderate
 temper or narrow genius of their princes, would
 have allowed to remain for ever in tranquillity,
 were strongly agitated by the emulation and
 jealousy of the ministers. Above all, the tower-
 ing spirit of Richelieu, incapable of rest, pro-
 mised an active age, and gave indications of
 great revolutions throughout all Europe.

THIS man had no sooner, by suppleeness and
 intrigue, gotten possession of the reins of govern-
 ment, than he formed, at once, three mighty
 projects; to subdue the turbulent spirits of the
 great, to reduce the rebellious hugonots, and
 to curb the encroaching power of the house of
 Austria. Undaunted and implacable, prudent
 and active, he braved all the opposition of the
 French princes and nobles in the prosecution
 of his vengeance; he discovered and dissipated
 all their secret cabals and conspiracies. His
 sovereign himself he held in subjection, while

he exalted the throne. The people, while they lost their liberties, acquired, by means of his administration, learning, order, discipline, and renown. That confused and inaccurate genius of government, of which France partook in common with other European kingdoms, he changed into a simple monarchy; at the very time, when the incapacity of Buckingham encouraged the free spirit of the commons to establish in England a regular system of liberty.

HOWEVER unequal the comparison between these ministers, Buckingham had entertained a mighty jealousy against Richelieu; a jealousy not founded on rivalry of power and politics, but of love and gallantry; where the duke was as much superior to the cardinal, as he was inferior in every other particular.

AT the time, when Charles married by proxy the princess Henrietta, the duke of Buckingham had been sent to France, in order to grace the nuptials, and conduct the new queen into England. The eyes of the French court were directed by curiosity towards that man, who had enjoyed the unlimited favor of two successive monarchs, and who, from a private station, had mounted, in the earliest youth, to the absolute government of three kingdoms. The beauty of his person, the gracefulness of his air, the splendor of his equipage, his fine taste in dress, festivals, and carousals, corresponded to the prepossessions entertained in his favor: The affability of his behaviour, the gaiety of his

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manners, the magnificence of his expence, increased still farther the general admiration which was paid him. All business being already concerted, the time was entirely spent in mirth and entertainments; and during those splendid scenes, among that gay people, the duke found himself in a situation, where he was perfectly qualified to excel⁶⁶. But his great success at Paris proved as fatal as his former failure at Madrid. Encouraged by the smiles of the court, he dared to carry his ambitious addresses to the queen herself; and he failed not to make impression on a heart not undispensed to the tender passions. That attachment, at least, of the mind, which appears so delicious, and is so dangerous, seems to have been encouraged by the princess; and the duke presumed so far on her good graces, that, after his departure, he secretly returned upon some pretence, and, paying a visit to the queen, was dismissed with a reproof, which favored more of kindness than of anger⁶⁷.

INFORMATION of this correspondence was soon carried to Richelieu. The vigilance of that minister was here farther roused by jealousy. He too, either from vanity or politics, had ventured to pay his addresses to the queen. But a priest, past middle age, of a severe character, and occupied in the most extensive plans of ambition or vengeance, was but an unequal match in

⁶⁶ Clarendon, vol. i. p. 38.

⁶⁷ Mémoires de Mad. de Motteville.

that contest, for a young courtier, entirely disposed to gaiety and gallantry. The cardinal's disappointment strongly inclined him to counterwork the amorous projects of his rival. When the duke was making preparations for a new embassy to Paris, a message was sent him from Lewis, that he must not think of such a journey. In a romantic passion, he swore, *That he would see the queen, in spite of all the power of France;* and, from that moment, he determined to engage England in a war with that kingdom⁶⁸.

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HE first took advantage of some quarrels, excited by the queen of England's attendants; and he persuaded Charles to dismiss, at once, all her French servants, contrary to the articles of the marriage treaty⁶⁹. He encouraged the English ships of war and privateers to seize vessels belonging to French merchants; and *these* he forthwith condemned as prizes, by a sentence of the court of admiralty. But finding that all these injuries produced only remonstrances and embassies, or at most reprisals, on the part of France; he resolved to second the intrigues of the duke of Soubize; and to undertake at once a military expedition against that kingdom.

SOUBIZE, who, with his brother, the duke of Rohan, was the leader of the hugonot faction, was at that time in London, and strongly solicited Charles to embrace the protection of

⁶⁸ Clarendon, vol. i. p. 38.

⁶⁹ Rushworth, vol. i. p. 423, 424.

C H A P. these distressed religionists. He represented, that
 L. after the inhabitants of Rochelle had been repres-
 1627. sed by the combined squadrons of England and
 Holland, after peace was concluded with the
 French king under Charles's mediation, the ambi-
 tious cardinal was still meditating the destruction
 of the hugonots; that preparations were silently
 making in every province of France for the
 suppression of their religion; that forts were
 erected in order to bridle Rochelle, the most
 considerable bulwark of the protestants; that the
 reformed in France cast their eyes on Charles as
 the head of their faith, and considered him as
 a prince engaged by interest, as well as inclina-
 tion, to support them; that so long as their
 party subsisted, Charles might rely on their
 attachment as much as on that of his own sub-
 jects; but if their liberties were once ravished
 from them, the power of France, freed from
 this impediment, would soon become formidable
 to England, and to all the neighbouring nations.

THOUGH Charles probably bore but small
 favor to the hugonots, who so much resembled
 the puritans in discipline and worship, in religion
 and politics; he yet allowed himself to be gained
 by these arguments, enforced by the solicitations
 of Buckingham. A fleet of a hundred sail, and
 an army of 7000 men were fitted out for the
 invasion of France, and both of them in-
 trusted to the command of the duke, who was
 altogether unacquainted both with land and sea-
 service. The fleet appeared before Rochelle: but

so illconcerted were Buckingham's measures, that the inhabitants of that city shut their gates, and refused to admit allies, of whose coming they were not previously informed⁷⁰. All his military operations showed equal incapacity and inexperience. Instead of attacking Oleron, a fertile island and defenceless, he bent his course to the isle of Rhé, which was well garrisoned and fortified: Having landed his men, though with some loss, he followed not the blow, but allowed Toiras, the French governor, five days respite; during which St. Martin was victualled and provided for a siege⁷¹. He left behind him the small fort of Prie, which could at first have made no manner of resistance: Though resolved to starve St. Martin, he guarded the sea negligently, and allowed provisions and ammunition to be thrown into it: Despairing to reduce it by famine, he attacked it without having made any breach, and rashly threw away the lives of the soldiers: Having found that a French army had stolen over in small divisions, and had landed at Prie, the fort which he had at first overlooked, he began to think of a retreat; but made it so unskilfully, that it was equivalent to a total rout: He was the last of the army, that embarked; and he returned to England, having lost two thirds of his land forces; totally discredited both

C H A F
L.

1627.

9th July.
Expedition
to the Isle
of Rhé.

Octob. 28.

⁷⁰ Rushworth, vol. i. p. 426.

⁷¹ Whitlocke, p. 8. Sir Philip Warwick, p. 25.

C H A P. as an admiral and a general; and bringing no
 L. praise with him but the vulgar one of courage
 1627. and personal bravery.

THE duke of Rohan, who had taken arms as soon as Buckingham appeared upon the coast, discovered the dangerous spirit of the sect, without being able to do any mischief: The inhabitants of Rochelle, who had at last been induced to join the English, hastened the vengeance of their master, exhausted their provisions in supplying their allies, and were threatened with an immediate siege. Such were the fruits of Buckingham's expedition against France.

C H A P. LI.

*Third parliament — Petition of right — Prorogation —
 Death of Buckingham — New session of parliament —
 Tonnage and poundage — Arminianism — Dissolution
 of the parliament.*

THERE was reason to apprehend some disorder C H A P.
 or insurrection from the discontents, which pre- LI.
 vailed among the people in England. Their 1628.
 liberties, they believed, were ravished from them;
 illegal taxes extorted; their commerce which had
 met with a severe check from the Spanish, was
 totally annihilated by the French war; those
 military honors transmitted to them from their
 ancestors, had received a grievous stain, by two
 unsuccessful and ill-conducted expeditions; scarce
 an illustrious family but mourned, from the last
 of them, the loss of a son or brother; greater
 calamities were dreaded from the war with these
 powerful monarchies, concurring with the internal
 disorders, under which the nation labored.
 And these ills were ascribed, not to the refractory
 disposition of the two former parliaments, to
 which they were partly owing; but solely to
 Charles's obstinacy, in adhering to the counsels
 of Buckingham; a man nowise entitled, by his
 birth, age, services or merit, to that unlimited
 confidence, reposed in him. To be sacrificed to
 the interest, policy, and ambition of the great,

H A P. is so much the common lot of the people, that
 LI. they may appear unreasonable, who would pre-
 1628. tend to complain of it: But to be the victim of the
 frivolous gallantry of a favorite, and of his boyish
 caprices, seemed the object of peculiar indignation.

IN this situation, it may be imagined, the king
 and the duke dreaded, above all things, the
 assembling of a parliament: But, so little foresight
 had they possessed in their enterprising schemes,
 that they found themselves under an absolute
 necessity of embracing that expedient. The money
 levied, or rather extorted, under color of pre-
 rogative, had come in very slowly, and had
 left such ill-humor in the nation, that it appeared
 dangerous to renew the experiment. The absolute
 necessity of supply, it was hoped, would engage
 the commons to forget all past injuries; and,
 having experienced the ill effects of former ob-
 stinacy, they would probably assemble with a
 resolution of making some reasonable compliances.
 The more to soften them, it was concerted, by
 Sir Robert Cotton's advice¹, that Buckingham
 should be the first person, that proposed in
 council the calling of a new parliament. Having
 laid in this stock of merit, he expected, that all
 his former misdemeanors would be overlooked
 and forgiven, and that, instead of a tyrant and
 oppressor, he should be regarded as the first
 patriot in the nation.

Third par-
 liament.

March 17.

THE views of the popular leaders were much

¹ Franklyn, p. 230.

more

more judicious and profound. When the commons assembled, they appeared to be men of the same independent spirit with their predecessors, and possessed of such riches, that their property was computed to surpass three times that of the house of peers²; they were deputed by boroughs and counties, inflamed, all of them, by the late violations of liberty; many of the members themselves had been cast into prison, and had suffered by the measures of the court; yet, notwithstanding these circumstances, which might prompt them to embrace violent resolutions, they entered upon business with perfect temper and decorum. They considered, that the king, disgusted at these popular assemblies, and little prepossessed in favor of their privileges, wanted but a fair pretence for breaking with them, and would seize the first opportunity offered by any incident or any undutiful behaviour of the members. He fairly told them, in his first speech, that, "If they should not do their duties, in contributing to the necessities of the state, he must, in discharge of his conscience, use those other means, which God had put into his hands, in order to save that which the follies of some particular men may otherwise put in danger. Take not this for a threatening," added the king, "for I scorn to threaten any but my equals; but as an admonition from him, who, by nature and duty, has most care of your

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² Sanderfon, p. 106. Walker, p. 339.

C H A P. " preservation and prosperity ³. " The lord
 LI. keeper, by the king's direction, subjoined,
 1628. " This way of parliamentary supplies, as his
 " majesty told you, he hath chosen, not as the
 " only way, but as the fittest; not because he is
 " destitute of others, but because it is most
 " agreeable to the goodness of his own most
 " gracious disposition, and to the desire and
 " weal of his people. If this be deferred, necessity
 " and the sword of the enemy make way for the
 " others. Remember his majesty's admonition,
 " I say, remember it ⁴. " From these avowed
 maxims, the commons foresaw, that, if the least
 handle were afforded, the king would immedi-
 ately dissolve them, and would thenceforward
 deem himself justified for violating, in a manner
 still more open, all the ancient forms of the
 constitution. No remedy could then be looked
 for, but from insurrections and civil war, of
 which the issue would be extremely uncertain,
 and which must, in all events, prove calamitous
 to the nation. To correct the late disorders in
 the administration required some new laws, which
 would, no doubt, appear harsh to a prince, so
 enamoured of his prerogative; and it was requisite
 to temper, by the decency and moderation of
 their debates, the rigor, which must necessarily
 attend their determinations. Nothing can give us
 a higher idea of the capacity of those men, who

³ Rushworth, vol. i. p. 477. Franklyn, p. 233.

⁴ Rushworth, vol. i. p. 479. Franklyn, p. 234.

now guided the commons, and of the great authority, which they had acquired, than the forming and executing of so judicious and so difficult a plan of operations.

THE decency, however, which the popular leaders had prescribed to themselves, and recommended to others, hindered them not from making the loudest and most vigorous complaints against the grievances, under which the nation had lately labored. Sir Francis Seymour said, “ This
 “ is the great council of the kingdom, and here
 “ with certainty, if not here only, his majesty
 “ may see, as in a true glass, the state of the
 “ kingdom. We are called hither by his writs,
 “ in order to give him faithful counsel; such as
 “ may stand with his honor: And this we must
 “ do without flattery. We are also sent hither
 “ by the people, in order to deliver their just
 “ grievances: And this we must do without fear.
 “ Let us not act like Cambyfes’s judges, who,
 “ when their approbation was demanded by the
 “ prince to some illegal measure, said, that,
 “ *Though there was a written law, the Persian kings*
 “ *might follow their own will and pleasure.* This
 “ was base flattery, fitter for our reproof than
 “ our imitation; and as fear, so flattery, taketh
 “ away the judgment. For my part, I shall shun
 “ both; and speak my mind with as much duty,
 “ as any man, to his majesty, without neglecting
 “ the public.

“ BUT how can we express our affections,
 “ while we retain our fears; or speak of giving,

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“ till we know whether we have any thing to
 “ give. For, if his majesty may be persuaded to
 “ take what he will, what need we give?

“ THAT this hath been done, appeareth by the
 “ billeting of soldiers, a thing nowise advantageous
 “ to the king's service, and a burthen to the
 “ commonwealth: By the imprisonment of gentle-
 “ men for refusing the loan, who, if they had
 “ done the contrary for fear, had been as blame-
 “ able as the projectors of that oppressive
 “ measure. To countenance these proceedings,
 “ hath it not been preached in the pulpit, or
 “ rather prated, that *All we have is the king's by*
 “ *divine right*? But when preachers forsake their
 “ own calling, and turn ignorant statesmen; we
 “ see how willing they are to exchange a good
 “ conscience for a bishopric.

“ He, I must confess, is no good subject, who
 “ would not, willingly and chearfully, lay down
 “ his life, when that sacrifice may promote the
 “ interests of his sovereign, and the good of the
 “ commonwealth. But he is not a good subject,
 “ he is a slave, who will allow his goods to be
 “ taken from him against his will, and his liberty
 “ against the laws of the kingdom. By opposing
 “ these practices, we shall but tread in the steps
 “ of our forefathers, who still preferred the public
 “ before their private interest, nay, before their
 “ very lives. It will in us be a wrong done to
 “ ourselves, to our posterities, to our consciences,
 “ if we forego this claim and pretension⁵.”

⁵ Franklyn, p. 243. Rushworth, vol. i. p. 499.

“ I READ of a custom,” said Sir Robert Philips, C H A P.
 “ among the old Romans, that, once every year, LI.
 “ they held a solemn festival, in which their 1628.
 “ slaves had liberty, without exception, to speak
 “ what they pleased, in order to ease their
 “ afflicted minds; and, on the conclusion of the
 “ festival, the slaves severally returned to their
 “ former servitudes.

“ THIS institution may, with some distinction,
 “ well set forth our present state and condition.
 “ After the revolution of some time, and the
 “ grievous sufferance of many violent oppressions,
 “ we have now, at last, as those slaves, obtain-
 “ ed, for a day, some liberty of speech: But
 “ shall not, I trust, be hereafter slaves: For we
 “ are born free. Yet, what new illegal burthens
 “ our estates and persons have groaned under,
 “ my heart yearns to think of, my tongue faul-
 “ ters to utter.—

“ THE grievances, by which we are oppressed,
 “ I draw under two heads; acts of power against
 “ law, and the judgments of lawyers against our
 “ liberty.”

HAVING mentioned three illegal judgments,
 passed within his memory; that by which the
 Scots, born after James’s accession, were admitted
 to all the privileges of English subjects; that by
 which the new impositions had been warranted;
 and the late one, by which arbitrary imprison-
 ments were authorized; he thus proceeded.

“ I CAN live, though another, who has no
 “ right, be put to live along with me; nay, I

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“ can live, though burthened with impositions,
 “ beyond what at present I labor under: But to
 “ have my liberty, which is the soul of my
 “ life, ravished from me; to have my person
 “ pent up in a jail, without relief by law, and
 “ to be so adjudged,—O, improvident ancestors!
 “ O, unwise forefathers! to be so curious in
 “ providing for the quiet possession of our lands,
 “ and the liberties of parliament; and, at the
 “ same time, to neglect our personal liberty, and
 “ let us lie in prison, and that during pleasure,
 “ without redress or remedy! If this be law,
 “ why do we talk of liberties? Why trouble
 “ ourselves with disputes about a constitution,
 “ franchises, property of goods, and the like?
 “ What may any man call his own, if not the
 “ liberty of his person?

“ I AM weary of treading these ways; and
 “ therefore conclude to have a select committee,
 “ in order to frame a petition to his majesty for
 “ redress of these grievances. And this petition
 “ being read, examined, and approved, may be
 “ delivered to the king; of whose gracious an-
 “ swer we have no cause to doubt, our desires
 “ being so reasonable, our intentions so loyal,
 “ and the manner so dutiful. Neither need we
 “ fear, that this is the critical parliament, as has
 “ been insinuated; or that this is the way to
 “ distraction: But assure ourselves of a happy
 “ issue. Then shall the king, as he calls us his

“ great council, find us his true council, and
 “ own us his good council “. ”

C H A P.
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THE same topics were enforced by Sir Thomas Wentworth. After mentioning projectors and ill ministers of state, “ These, ” said he, “ have
 “ introduced a privy-council, ravishing, at once,
 “ the spheres of all ancient government ; destroy-
 “ ing all liberty ; imprisoning us without bail or
 “ bond. They have taken from us—What shall
 “ I say ? Indeed , what have they left us ? By
 “ tearing up the roots of all property, they have
 “ taken from us every means of supplying the
 “ king, and of ingratiating ourselves by voluntary
 “ proofs of our duty and attachment towards
 “ him.

“ To the making whole all these breaches, I
 “ shall apply myself ; and, to all these diseases,
 “ shall propound a remedy. By one and the
 “ same thing, have the king and the people been
 “ hurt, and by the same must they be cured.
 “ We must vindicate : What ? New things ?
 “ No : Our ancient, legal, and vital liberties ;
 “ by reinforcing the laws, enacted by our an-
 “ cestors ; by setting such a stamp upon them,
 “ that no licentious spirit shall dare henceforth
 “ to invade them. And shall we think this a
 “ way to break a parliament ? No : Our desires
 “ are modest and just. I speak both for the
 “ interest of king and people. If we enjoy not
 “ these rights, it will be impossible for us to

“ Franklyn , p. 245. Parl. Hist. vol. vii. p. 363.
 Rushworth, vol. i. p. 502.

C H A P. "relieve him. Let us never, therefore, doubt
 LI. "of a favorable reception from his goodness".

1628.

THESE sentiments were unanimously embraced by the whole house. Even the court party pretended not to plead, in defence of the late measures, any thing but the necessity to which the king had been reduced, by the obstinacy of the two former parliaments. A vote, therefore, was passed without opposition, against arbitrary imprisonments and forced loans⁸. And the spirit of liberty having obtained some contentment by this exertion, the reiterated messages of the king, who pressed for supply, were attended to with more temper. Five subsidies were voted him; with which, though much inferior to his wants, he declared himself well satisfied; and even tears of affection started in his eye, when he was informed of this concession. The duke's approbation too was mentioned by secretary Coke; but the conjunction of a subject with the sovereign was ill received by the house⁹. Though disgusted with the king, the jealousy, which they felt for his honor, was more sensible than that, which his unbounded confidence in the duke would allow even himself to entertain.

THE supply, though voted, was not, as yet, passed into a law; and the commons resolved to

⁷ Franklyn, p. 243. Rushworth, vol. i. p. 500.

⁸ Franklyn, p. 251. Rushworth, vol. i. p. 513.
 Whitlocke, p. 9.

⁹ Rushworth, vol. i. p. 526. Whitlocke, p. 9.

employ the interval, in providing some barriers to their rights and liberties so lately violated. They knew, that their own vote, declaring the illegality of the former measures, had not, of itself, sufficient authority to secure the constitution against future invasion. Some act to that purpose must receive the sanction of the whole legislature; and they appointed a committee to prepare the model of so important a law. By collecting into one effort all the dangerous and oppressive claims of his prerogative, Charles had exposed them to the hazard of one assault; and had farther, by presenting a nearer view of the consequences attending them, roused the independent genius of the commons. Forced loans, benevolences, taxes without consent of parliament, arbitrary imprisonments, the billeting of soldiers, martial law; these were the grievances complained of, and against these an eternal remedy was to be provided. The commons pretended not, as they affirmed, to any unusual powers or privileges: They aimed only at securing those which had been transmitted them from their ancestors: And their law they resolved to call a PETITION OF RIGHT; as implying that it contained a corroboration or explanation of the ancient constitution, not any infringement of royal prerogative, or acquisition of new liberties.

C H A P.
LI.
1628.

Petition of
right.

WHILE the committee was employed in framing the petition of right, the favorers of each party, both in parliament and throughout the nation, were engaged in disputes about this bill,

CHAP. which, in all likelihood, was to form a memorable æra in the English government.

LI.

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THAT the statutes, said the partisans of the commons, which secure English liberty, are not become obsolete, appears hence, that the English have ever been free, and have ever been governed by law and a limited constitution. Privileges in particular, which are founded on the GREAT CHARTER, must always remain in force, because derived from a source of never failing authority; regarded in all ages, as the most sacred contract between king and people. Such attention was paid to this charter by our generous ancestors, that they got the confirmation of it re-iterated thirty several times; and even secured it by a rule, which, though vulgarly received, seems in the execution impracticable. They have established it as a maxim, *That even a statute, which should be enacted in contradiction to any article of that charter, cannot have force or validity.* But with regard to that important article, which secures personal liberty; so far from attempting, at any time, any legal infringement of it, they have corroborated it by six statutes, and put it out of all doubt and controversy. If in practice it has often been violated, abuses can never come in the place of rules; nor can any rights or legal powers be derived from injury and injustice. But the title of the subject to personal liberty not only is founded on ancient, and therefore the more sacred laws: It is confirmed by the whole ANALOGY of the government and constitution.

A free monarchy in which every individual is a slave, is a glaring contradiction; and it is requisite, where the law assigns privileges to the different orders of the state, that it likewise secure the independence of the members. If any difference could be made in this particular, it were better to abandon even life or property to the arbitrary will of the prince; nor would such immediate danger ensue, from that concession, to the laws and to the privileges of the people. To bereave of his life a man not condemned by any legal trial, is so egregious an exercise of tyranny, that it must at once shock the natural humanity of princes, and convey an alarm throughout the whole commonwealth. To confiscate a man's fortune, besides its being a most atrocious act of violence, exposes the monarch so much to the imputation of avarice and rapacity, that it will seldom be attempted in any civilized government. But confinement, though a less striking, is no less severe a punishment; nor is there any spirit, so erect and independent, as not to be broken by the long continuance of the silent and inglorious sufferings of a jail. The power of imprisonment, therefore, being the most natural and potent engine of arbitrary government, it is absolutely necessary to remove it from a government which is free and legal.

THE partisans of the court reasoned after a different manner. The true rule of government, said they, during any period, is that to which the people, from time immemorial, have been

C H A P. accustomed, and to which they naturally pay a
LI. prompt obedience. A practice which has ever
16:8. struck their senses, and of which they have seen
 and heard innumerable precedents, has an authority with them much superior to that which attends maxims, derived from antiquated statutes and mouldy records. In vain do the lawyers establish it as a principle, that a statute can never be abrogated by opposite custom; but requires to be expressly repealed by a contrary statute: While they pretend to inculcate an axiom, peculiar to English jurisprudence, they violate the most established principles of human nature; and even, by necessary consequence, reason in contradiction to law itself, which they would represent as so sacred and inviolable. A law, to have any authority, must be derived from a legislature, which has right. And whence do all legislatures derive their right but from long custom and established practice? If a statute, contrary to public good, has, at any time, been rashly voted and assented to, either from the violence of faction, or the inexperience of senates and princes; it cannot be more effectually abrogated, than by a train of contrary precedents, which prove, that, by common consent, it has been tacitly set aside, as inconvenient and impracticable. Such has been the case with all those statutes enacted during turbulent times, in order to limit royal prerogative, and cramp the sovereign in his protection of the public, and his execution of the laws. But above all branches

of prerogative, that which is most necessary to be preserved, is the power of imprisonment. Faction and discontent, like diseases, frequently arise in every political body; and during these disorders, it is by the salutary exercise alone of this discretionary power, that rebellions and civil wars can be prevented. To circumscribe this power, is to destroy its nature: Entirely to abrogate it, is impracticable; and the attempt itself must prove dangerous, if not pernicious to the public. The supreme magistrate, in critical and turbulent times, will never, agreeably either to prudence or duty, allow the state to perish, while there remains a remedy, which, how irregular soever, it is still in his power to apply. And if, moved by a regard to public good, he employs any exercise of power condemned by recent and express statute, how greedily, in such dangerous times, will factious leaders seize this pretence of throwing on his government the imputation of tyranny and despotism? Were the alternative quite necessary, it were surely much better for human society to be deprived of liberty than to be destitute of government.

IMPARTIAL reasoners will confess, that this subject is not, on both sides, without its difficulties. Where a general and rigid law is enacted against arbitrary imprisonment, it would appear, that government cannot, in times of sedition and faction, be conducted but by temporary suspensions of the law; and such an expedient was never thought of during the age of Charles. The

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C H A P. meetings of parliament were too precarious, and
 LL. their determinations might be too dilatory, to
 1628. serve in cases of urgent necessity. Nor was it
 then conceived, that the king did not possess of
 himself sufficient power for the security and pro-
 tection of his people, or that the authority of
 these popular assemblies was ever to become so
 absolute, that the prince must always conform
 himself to it, and could never have any occasion
 to guard against *their* practices, as well as against
 those of his other subjects.

THOUGH the house of lords was not insensible
 to the reasons urged in favor of the pretensions
 of the commons, they deemed the arguments,
 pleaded in favor of the crown, still more cogent
 and convincing. That assembly seems, during
 this whole period, to have acted, in the main,
 a reasonable and a moderate part; and if their
 bias inclined a little too much, as is natural, to
 the side of monarchy, they were far from enter-
 taining any design of sacrificing to arbitrary will
 the liberties and privileges of the nation. Ashley,
 the king's serjeant, having asserted, in a pleading
 before the peers, that the king must sometimes
 govern by acts of state as well as by law; this
 position gave such offence, that he was immedi-
 ately committed to prison, and was not released
 but upon his recantation and submission¹⁰. Being,
 however, afraid, lest the commons should go too
 far in their projected petition, the peers proposed

¹⁰ Whitlocke, p. 10.

a plan of one more moderate, which they recommended to the consideration of the other house. It consisted merely in a general declaration, that the great charter and the six statutes, conceived to be explanations of it, stand still in force, to all intents and purposes; that, in consequence of the charter and the statutes, and by the tenor of the ancient customs and laws of the realm, every subject has a fundamental property in his goods, and a fundamental liberty of his person; that this property and liberty are as entire at present as during any former period of the English government; that in all common cases, the common law ought to be the standard of proceedings: "And in case, that, for the security
 " of his majesty's person, the general safety of
 " his people, or the peaceable government of the
 " kingdom, the king shall find just cause, for
 " reasons of state, to imprison or restrain any
 " man's person; he was petitioned graciously to
 " declare, that, within a *convenient* time, he shall
 " and will express the cause of the commitment
 " or restraint, either general or special, and upon
 " a cause so expressed, will leave the prisoner immediately to be tried according to the common
 " law of the land ¹¹.

ARCHBISHOP Abbot was employed by the lords to recommend, in a conference, this plan of a petition to the house of commons. The prelate, as was, no doubt, foreseen from his known

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¹¹ State Trials, vol. vii. p. 187. Rushworth, vol. i. p. 546.

CHAP. principles, was not extremely urgent in his ap-
 plications; and the lower house was fully con-
 vinced, that the general declarations signified
 nothing, and that the latter clause left their
 liberties rather in a worse condition than before.
 They proceeded, therefore, with great zeal, in
 framing the model of a petition, which should
 contain expressions, more precise, and more favor-
 able to public freedom.

THE king could easily see the consequence of
 these proceedings. Though he had offered at the
 beginning of the session, to give his consent to
 any law for the security of the rights and liberties
 of the people; he had not expected that such
 inroads would be made on his prerogative. In
 order, therefore, to divert the commons from
 their intention, he sent a message, wherein he
 acknowledged past errors, and promised, that,
 hereafter, there should be no just cause of com-
 plaint. And he added, "That the affairs of the
 " kingdom press him so, that he could not con-
 " tinue the session above a week or two longer:
 " And if the house be not ready, by that time,
 " to do what is fit for themselves, it shall be
 " their own fault ¹²." On a subsequent occasion,
 he asked them, "Why demand explanations, if
 " you doubt not the performance of the statutes,
 " according to their true meaning. Explanations
 " will hazard an encroachment upon the prero-
 " gative. And it may well be said, What need

¹² State Trials, vol. vii. p. 193.

“ a new law to confirm an old, if you repose
 “ confidence in the declarations, which his ma-
 “ jesty made to both houses ²³ ? ” The truth is,
 the great charter and the old statutes were suffi-
 ciently clear in favor of personal liberty : But as
 all kings of England had ever, in cases of necessity
 or expedience, been accustomed, at intervals,
 to elude them; and as Charles, in a complication
 of instances, had lately violated them; the com-
 mons judged it requisite to enact a new law,
 which might not be eluded or violated, by any
 interpretation, construction, or contrary precedent.
 Nor was it sufficient, they thought, that the king
 promised to return into the way of his predeces-
 sors. His predecessors, in all times, had enjoyed
 too much discretionary power; and by his recent
 abuse of it, the whole world had reason to see
 the necessity of entirely retrenching it.

THE king still persevered in his endeavours to
 elude the petition. He sent a letter to the house
 of lords, in which he went so far as to make a
 particular declaration, “ That neither he nor his
 “ privy-council shall or will, at any time here-
 “ after, commit or command to prison, or other-
 “ wise restrain, any man for not lending money,
 “ or for any other cause, which, in his consci-
 “ ence, he thought not to concern the public
 “ good, and the safety of king and people. ”
 And he farther declared, “ That he never would
 “ be guilty of so base an action as to pretend

²³ State Trials, vol. vii. p. 196. Rushworth, vol. i. p. 556.

C H A P. " any cause , of whose truth he was not fully
 LI. " satisfied ¹⁴." But this promise, though enforced
 1628. to the commons by the recommendation of the
 upper house, made no more impression than all
 the former messages.

AMONG the other evasions of the king, we
 may reckon the proposal of the house of peers,
 to subjoin, to the intended petition of right, the
 following clause. " We humbly present this
 " petition to your majesty, not only with a care
 " of preserving our own liberties, but with due
 " regard to leave entire that *sovereign power*, with
 " which your majesty is intrusted for the protec-
 " tion, safety and happiness of your people ¹⁵."
 Less penetration, than was possessed by the leaders
 of the house of commons, could easily discover
 how captious this clause was, and how much it
 was calculated to elude the whole force of the
 petition.

THESE obstacles, therefore, being surmounted,
 the petition of right passed the commons, and
 was sent to the upper house ¹⁶. The peers, who
 were probably well pleased in secret, that all
 their solicitations had been eluded by the com-
 mons, quickly passed the petition without any
 material alteration; and nothing but the royal

¹⁴ State Trials, vol. vii. p. 198. Rushworth, vol. i.
 p. 560. Parl. Hist. vol. viii. p. 111.

¹⁵ State Trials, vol. vii. p. 199. Rushworth, vol. i.
 p. 561. Parl. Hist. vol. viii. p. 116. Whitlocke, p. 10.

¹⁶ See note [V] at the end of the volume.

assent was wanting to give it the force of a law. C H A P.
 The king accordingly came to the house of peers;
 sent for the commons; and, being seated in his
 chair of state, the petition was read to him.
 Great was now the astonishment of all men, when,
 instead of the usual concise, and clear form, by
 which a bill is either confirmed or rejected, Charles
 said, in answer to the petition, "The king wil-
 " leth, that right be done according to the laws
 " and customs of the realm, and that the statutes
 " be put into execution; that his subjects may
 " have no cause to complain of any wrong or
 " oppression, contrary to their just rights and
 " liberties, to the preservation whereof he holds
 " himself in conscience as much obliged as of his
 " own prerogative¹⁷."

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It is surprising, that Charles, who had seen
 so many instances of the jealousy of the commons,
 who had himself so much roused that jealousy by
 his frequent evasive messages during this session,
 could imagine that they would rest satisfied with
 an answer so vague and undeterminate. It was
 evident, that the unusual form alone of the answer
 must excite their attention; that the disappoint-
 ment must inflame their anger; and that therefore
 it was necessary, as the petition seemed to bear
 hard on royal prerogative, to come early to
 some fixed resolution, either gracefully to comply
 with it, or courageously to reject it.

It happened as might have been foreseen. The

¹⁷ State Trials, vol. vii. p. 212. Rushworth, vol. i. p. 590.

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commons returned in very ill humor. Usually, when in that disposition, their zeal for religion, and their enmity against the unfortunate catholics, ran extremely high. But they had already, in the beginning of the session, presented their petition of religion, and had received a satisfactory answer; though they expected, that the execution of the laws against papists would, for the future, be no more exact and rigid, than they had hitherto found it. To give vent to their present indignation, they fell with their utmost force, on Dr. Manwaring.

THERE is nothing, which tends more to excuse, if not to justify, the extreme rigor of the commons towards Charles, than his open encouragement and avowal of such general principles, as were altogether incompatible with a limited government. Manwaring had preached a sermon, which the commons found, upon inquiry, to be printed by special command of the king¹⁸; and, when this sermon was looked into, it contained doctrines subversive of all civil liberty. It taught, that, though property was commonly lodged in the subject, yet, whenever any exigency required supply, all property was transferred to the sovereign; that the consent of parliament was not necessary for the imposition of taxes; and that the divine laws required compliance with every demand, how irregular soever, which the prince should make upon his subjects¹⁹. For these

¹⁸ Parl. Hist. vol. viii. p. 206.

¹⁹ Rushworth, vol. i. p. 585, 594. Parl. Hist. vol. viii. p. 168, 169, 170, &c. Welwood, p. 44.

doctrines the commons impeached Manwaring. C H A P.
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The sentence, pronounced upon him by the peers, was, that he should be imprisoned during the pleasure of the house, be fined a thousand pounds to the king, make submission and acknowledgment for his offence, be suspended during three years, be incapable of holding any ecclesiastical dignity or secular office, and that his book be called in and burnt ²⁰.

It may be worthy of notice, that no sooner was the session ended, than this man, so justly obnoxious to both houses, received a pardon, and was promoted to a living of considerable value ²¹. Some years after, he was raised to the see of St. Asaph. If the republican spirit of the commons increased, beyond all reasonable bounds, the monarchical spirit of the court, this latter, carried to so high a pitch, tended still farther to augment the former. And thus extremes were every where affected, and the just medium was gradually deserted by all men.

FROM Manwaring, the house of commons proceeded to censure the conduct of Buckingham, whose name hitherto, they had cautiously foreborn to mention ²². In vain did the king send them a message, in which he told them, that the session was drawing near to a conclusion; and desired, that they would not enter upon new business,

²⁰ Rushworth, vol. i. p. 65. Parl. Hist. vol. viii. p. 212.

²¹ Rushworth, vol. i. p. 635. Whitlocke, p. 11.

²² Rushworth, vol. i. p. 607.

O H A B. nor cast any aspersions on his government and
 LI. ministry²³. Though the court endeavoured to
 1628 explain and soften this message by a subsequent
 message²⁴; as Charles was apt hastily to correct
 any hasty step, which he had taken; it served
 rather to inflame than appease the commons: As
 if the method of their proceedings had here been
 prescribed to them. It was foreseen, that a great
 tempest was ready to burst on the duke; and in
 order to divert it, the king thought proper,
 upon a joint application of the lords and com-
 mons²⁵, to endeavour giving them satisfaction,
 with regard to the petition of right. He came,
 therefore, to the house of peers, and pronouncing
 the usual form of words, *Let it be law as is
 desired*, gave full sanction and authority to the
 petition. The acclamations, with which the house
 resounded, and the universal joy diffused over the
 nation, showed how much this petition had
 been the object of all men's vows and ex-
 pectations²⁶.

It may be affirmed, without any exaggeration,
 that the king's assent to the petition of right pro-
 duced such a change in the government, as was
 almost equivalent to a revolution; and by cir-
 cumscribing, in so many articles, the royal pre-

²³ Rushworth, vol. i. p. 605.

²⁴ Ibid. vol. i. p. 610. Parl. Hist. vol. viii. p. 197.

²⁵ Rushworth, vol. i. p. 613. Journ. 7 June, 1628.
 Parl. Hist. vol. viii. p. 201.

²⁶ Rushworth, vol. i. p. 613.

rogative, gave additional security to the liberties of the subject. Yet were the commons far from being satisfied with this important concession. Their ill humor had been so much irritated by the king's frequent evasions and delays, that it could not be presently appeased by an assent, which he allowed to be so reluctantly extorted from him. Perhaps too, the popular leaders, implacable and artful, saw the opportunity favorable; and turning against the king those very weapons, with which he had furnished them, resolved to pursue the victory. The bill, however, for five subsidies, which had been formerly voted, immediately passed the house; because the granting of that supply was, in a manner, tacitly contracted for, upon the royal assent to the petition; and had faith been here violated, no farther confidence could have subsisted between king and parliament. Having made this concession, the commons continued to carry their scrutiny into every part of government. In some particulars, their industry was laudable; in some, it may be liable to censure.

A LITTLE after writs were issued for summoning this parliament, a commission had been granted to Sir Thomas Coventry, lord keeper, the earl of Marlborough, treasurer, the earl of Manchester, president of the council, the earl of Worcester, privy seal, the duke of Buckingham, high admiral, and all the considerable officers of the crown, in the whole thirty-three. By this commission, which from the number of persons

E H A P. named in it could be no secret, the commissioners
 LI. were empowered to meet, and to concert among
 1628. themselves the methods of levying money by impositions, or otherwise; *Where form and circumstance, as expressed, in the commission must be dispensed with, rather than the substance be lost or hazarded*²⁷. In other words, this was a scheme for finding expedients, which might raise the prerogative to the greatest height, and render parliaments entirely useless. The commons applied for cancelling the commission²⁸; and were, no doubt, desirous that all the world should conclude the king's principles to be extremely arbitrary, and should observe what little regard he was disposed to pay to the liberties and privileges of his people.

A COMMISSION had likewise been granted, and some money remitted, in order to raise a thousand German horse, and transport them into England. These were supposed to be levied, in order to support the projected impositions or excises; though the number seems insufficient for such a purpose²⁹. The house took notice of this design in severe terms: And no measure, surely, could be projected more generally odious to the whole nation. It must, however, be confessed, that the king was so far right, that he had, now at last, fallen on the only effectual method for supporting his prerogative. But at the same time, he should have

²⁷ Rushworth, vol. i. p. 614. Parl. Hist. vol. viii. p. 214.

²⁸ Journ. 13 June, 1628.

²⁹ Rushworth, vol. i. p. 612.

been sensible, that, till provided with a sufficient military force, all his attempts, in opposition to the rising spirit of the nation, must, in the end, prove wholly fruitless; and that the higher he screwed up the springs of government, while he had so little real power to retain them in that forced situation, with more fatal violence must they fly out, when any accident occurred to restore them to their natural action.

THE commons next resumed their censure of Buckingham's conduct and behaviour, against whom they were implacable. They agreed to present a remonstrance to the king, in which they recapitulated all national grievances and misfortunes, and omitted no circumstance, which could render the whole administration despicable and odious. The compositions with catholics, they said, amounted to no less than a toleration, hateful to God, full of dishonor and disprofit to his majesty, and of extreme scandal and grief to his good people: They took notice of the violations of liberty above-mentioned; against which the petition of right seems to have provided a sufficient remedy: They mentioned the decay of trade, the unsuccessful expeditions to Cadiz and the isle of Rhé, the encouragement given to Arminians, the commission for transporting German horse, that for levying illegal impositions; and all these grievances they ascribed solely to the ill conduct of the duke of Buckingham³⁰.

³⁰ Rushworth, vol. i. p. 619. Parl. Hist. vol. viii. 219, 220, etc.

C H A P. This remonstrance was, perhaps, not the less
LI. provoking to Charles, because, joined to the
1628. extreme acrimony of the subject, there were preserved in it, as in most of the remonstrances of that age, an affected civility and submission in the language. And as it was the first return, which he met with for his late beneficial concessions, and for his sacrifices of prerogative, the greatest by far ever made by an English sovereign, nothing could be more the object of just and natural indignation.

It was not without good grounds, that the commons were so fierce and assuming. Though they had already granted the king the supply of five subsidies, they still retained a pledge in their hands, which, they thought, insured them success in all their applications. Tonnage and poundage had not yet been granted by parliament; and the commons had artfully, this session, concealed their intention of invading that branch of revenue, till the royal assent had been obtained to the petition of right, which they justly deemed of such importance. They then openly asserted, that the levying of tonnage and poundage without consent of parliament, was a palpable violation of the ancient liberties of the people, and an open infringement of the petition of right, so lately granted³¹. The king, in order to prevent the finishing and presenting this remonstrance,

Prorogation.
26th June.

³¹ Rush. vol. i. p. 628. Journ. 18, 20 June, 1628.

came suddenly to the parliament, and ended this session by a prorogation³².

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BEING freed, for some time, from the embarrassment of this assembly, Charles began to look towards foreign wars, where all his efforts were equally unsuccessful, as in his domestic government. The earl of Denbigh, brother-in-law to Buckingham, was dispatched to the relief of Rochelle, now closely besieged by land, and threatened with a blockade by sea: But he returned without effecting any thing; and having declined to attack the enemy's fleet, he brought on the English arms the imputation either of cowardice or ill conduct. In order to repair this dishonor, the duke went to Portsmouth; where he had prepared a considerable fleet and army, on which all the subsidies given by parliament, had been expended. This supply had very much disappointed the king's expectations. The same mutinous spirit, which prevailed in the house of commons, had diffused itself over the nation; and the commissioners, appointed for making the assessments, had connived at all frauds, which might diminish the supply, and reduce the crown to still greater necessities. This national discontent, communicated to a desperate enthusiast, soon broke out in an event, which may be considered as remarkable.

THERE was one Felton, of a good family, but of an ardent, melancholic temper, who had

³² Journ. 26 June, 1628.

C H A P. served under the duke, in the station of lieutenant.
 LI. His captain being killed in the retreat at the isle
 1628. of Rhé, Felton had applied for the company;
 and when disappointed, he threw up his commission, and retired in discontent from the army. While private resentment was boiling in his fullen, unfociable mind, he heard the nation resound with complaints against the duke; and he met with the remonstrance of the commons, in which his enemy was represented as the cause of every national grievance, and as the great enemy of the public. Religious fanaticism farther inflamed these vindictive reflexions; and he fancied, that he should do heaven acceptable service, if, at one blow, he dispatched this dangerous foe to religion and to his country³³. Full of these dark views he secretly arrived at Portsmouth, at the same time with the duke, and watched for an opportunity of effecting his bloody purpose.

23d Aug. BUCKINGHAM had been engaged in conversation with Soubize and other French gentlemen; and a difference of sentiment having arisen, the dispute, though conducted with temper and decency, had produced some of those vehement gesticulations and lively exertions of voice, in which that nation, more than the English, are apt to indulge themselves. The conversation being finished, the duke drew towards the door; and in that passage, turning himself to speak to Sir Thomas Fryar, a colonel in the army, he

³³ May's Hist. of the Parliament, p. 10.

was, on the sudden, over Sir Thomas's shoulder, struck upon the breast with a knife. Without uttering other words than *The villain has killed me*; in the same moment, pulling out the knife, he breathed his last.

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Death of
Buckingham.

No man had seen the blow, nor the person who gave it; but in the confusion, every one made his own conjecture; and all agreed, that the murder had been committed by the French gentlemen, whose angry tone of voice had been heard, while their words had not been understood, by the bystanders. In the hurry of revenge, they had instantly been put to death, had they not been saved by some of more temper and judgment, who, though they had the same opinion of their guilt, thought proper to reserve them for a judicial trial and examination.

NEAR the door, there was found a hat, in the inside of which was sewed a paper, containing four or five lines of that remonstrance of the commons, which declared Buckingham an enemy to the kingdom; and under these lines was a short ejaculation, or attempt towards a prayer. It was easily concluded that this hat belonged to the assassin: But the difficulty still remained *Who that person should be?* For the writing discovered not the name; and whoever he was, it was natural to believe, that he had already fled far enough not to be found without a hat.

IN this hurry, a man without a hat was seen walking very composedly before the door. One crying out, *Here is the fellow, who killed the duke;*

C H A P. every body ran to ask, *Which is he?* The man
 LI. very sedately answered, *I am he.* The more
 1628. furious immediately rushed upon him with drawn
 swords: Others, more deliberate, defended and
 protected him: He himself, with open arms,
 calmly and chearfully exposed his breast to the
 swords of the most enraged, being willing to fall
 a sudden sacrifice to their anger, rather than be
 reserved for that public justice, which, he knew,
 must be executed upon him.

HE was now known to be that Felton, who
 had served in the army. Being carried into a
 private room, it was thought proper so far to
 dissemble as to tell him, that Buckingham was
 only grievously wounded, but not without hopes
 of recovery. Felton smiled and told them, that
 the duke, he knew full well, had received a
 blow, which had terminated all their hopes.
 When asked, at whose instigation he had per-
 formed that horrid deed? He replied, that they
 needed not to trouble themselves in that inquiry;
 that no man living had credit enough with him
 to have disposed him to such an action; that he
 had not even intrusted his purpose to any one;
 that the resolution proceeded only from himself,
 and the impulse of his own conscience; and that
 his motives would appear, if his hat were found:
 For that, believing he should perish in the attempt,
 he had there taken care to explain them³⁴.

WHEN the king was informed of this assassina-

³⁴ Clarendon, vol. i. p. 27, 28.

tion, he received the news in public with an unmoved and undisturbed countenance; and the courtiers, who studied his looks, concluded, that secretly he was not displeased to be rid of a minister, so generally odious to the nation³⁵. But Charles's command of himself proceeded entirely from the gravity and composure of his temper. He was still, as much as ever, attached to his favorite; and, during his whole life, he retained an affection for Buckingham's friends, and a prejudice against his enemies. He urged, too, that Felton should be put to the question, in order to extort from him a discovery of his accomplices: But the judges declared, that, though that practice had formerly been very usual, it was altogether illegal. So much more exact reasoners, with regard to law, had they become, from the jealous scruples of the house of commons.

MEANWHILE the distress of Rochelle had risen to the utmost extremity. That vast genius of Richelieu, which made him form the greatest enterprises, led him to attempt their execution, by means equally great and extraordinary. In order to deprive Rochelle of all succour, he had dared to project the throwing across the harbour a mole of a mile's extent in that boisterous ocean; and having executed his project, he now held the town closely blockaded on all sides. The inhabitants, though pressed with the greatest

³⁵ Warwick, p. 34.

C H A P. rigors of famine, still refused to submit; being
 LI. supported, partly by the lectures of their zealous
 1628. preachers, partly by the daily hopes of relief from
 England. After Buckingham's death, the command of the fleet and army was conferred on the earl of Lindeſey; who, arriving before Rochelle, made ſome attempts to break through the mole, and force his way into the harbour: But by the delays of the Engliſh, that work was now fully finiſhed and fortified; and the Rochellers, finding their laſt hopes to fail them, were reduced to ſurrender at diſcretion even in ſight of the Engliſh admiral. Of fifteen thouſand perſons, ſhut up in the city, four thouſand alone ſurvived the fatigues and famine, which they had undergone ³⁶.

THIS was the firſt neceſſary ſtep towards the proſperity of France. Foreign enemies, as well as domeſtic factions, being deprived of this reſource, that kingdom began now to ſhine forth in its full ſplendor. By a ſteady proſecution of wiſe plans, both of war and policy, it gradually gained an aſcendant over the rival power of Spain; and every order of the ſtate, and every ſect, were reduced to pay ſubmiſſion to the lawful authority of the ſovereign. The victory, however, over the Hugonots was, at firſt, pushed by the French king with great moderation. A toleration was ſtill continued to them; the only avowed and open toleration,

³⁶ Ruſhworth, vol. i. p. 636.

which,

which, at that time, was granted in any European kingdom. C H A P.

II.

1629.

THE failure of an enterprize, in which the English nation, from religious sympathy, so much interested themselves, could not but diminish the king's authority in the parliament, during the approaching session: But the commons, when assembled, found many other causes of complaint. Buckingham's conduct and character, with some had afforded a reason, with others a pretence, for discontent against public measures: But after his death, there wanted not new reasons and new pretences, for general dissatisfaction. Manwaring's pardon and promotion were taken notice of: Sibthorpe and Cosins, two clergymen, who, for like reasons, were no less obnoxious to the commons, had met with like favor from the king: Montague, who had been censured for moderation towards the catholics, the greatest of crimes, had been created bishop of Chichester. They found, likewise, upon inquiry, that all the copies of the petition of right, which were dispersed, had, by the king's orders, annexed to them the first answer, which had given so little satisfaction to the commons³⁷: An expedient, by which Charles endeavoured to persuade the people, that he had nowise receded from his former claims and pretensions, particularly with regard to the levying of tonnage and poundage. Selden also complained in the house, that one Savage, contrary to the

20 January
New session
of parliament.

³⁷ State Trials, vol. vii. p. 216. Rush. vol. i. p. 643.

C H A P. petition of right, had been punished with the
 LI. loss of his ears, by a discretionary or arbitrary
 1629. sentence of the star-chamber ³⁸. So apt were
 they on their part, to stretch the petition into
 such consequences as might deprive the crown
 of powers, which, from immemorial custom,
 were supposed inherent in it.

Tonnage
 and pound-
 age.

BUT the great article, on which the house of
 commons broke with the king, and which finally
 created in Charles a disgust to all parliaments,
 was their claim with regard to tonnage and
 poundage. On this occasion, therefore, it is
 necessary to give an account of the controversy.

THE duty of tonnage and poundage, in more
 ancient times, had been commonly a temporary
 grant of parliament; but it had been conferred
 on Henry V. and all the succeeding princes,
 during life, in order to enable them to maintain
 a naval force for the defence of the kingdom.
 The necessity of levying this duty had been so
 apparent, that each king had ever claimed it
 from the moment of his accession; and the first
 parliament of each reign usually by vote con-
 ferred on the prince what they found him already
 in possession of. Agreeably to the inaccurate genius
 of the old constitution, this abuse, however con-
 siderable, had never been perceived nor remedied;
 though nothing could have been easier than
 for the parliament to have prevented it ³⁹. By
 granting this duty to each prince, during

³⁸ State Trials, vol. vii. p. 216. Parl. Hist. vol. viii. p. 246.

³⁹ Parl. Hist. vol. viii. p. 339, 340.

his own life, and, for a year after his demise, to the successor, all inconveniences had been obviated; and yet the duty had never, for a moment, been levied without proper authority. But contrivances of that nature were not thought of during those rude ages: And as so complicated and jealous a government as the English cannot subsist without many such refinements; it is easy to see, how favorable every inaccuracy must formerly have proved to royal authority, which, on all emergencies, was obliged to supply, by discretionary power, the great deficiency of the laws.

THE parliament did not grant the duty of tonnage and poundage to Henry VIII. till the sixth of his reign: Yet this prince, who had not then raised his power to its greatest height, continued, during that whole time, to levy the imposition: The parliament, in their very grant, blame the merchants, who had neglected to make payment to the crown; and though one expression of that bill may seem ambiguous, they employ the plainest terms in calling tonnage and poundage the king's due, even before that duty was conferred on him by parliamentary authority⁴⁰. Four reigns, and above a whole century, had since elapsed; and this revenue had still been levied before it was voted by parliament. So long had the inaccuracy continued without being remarked or corrected!

⁴⁰ 6 Henry VIII. cap. 14.

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DURING that short interval, which passed, between Charles's accession and his first parliament, he had followed the example of his predecessors; and no fault was found with his conduct in this particular. But what was most remarkable in the proceedings of that house of commons, and what proved beyond controvery, that they had seriously formed a plan for reducing their prince to subjection, was, that, instead of granting this supply during the king's life-time, as it had been enjoyed by all his immediate predecessors, they voted it only for a year; and, after that should be elapsed, reserved to themselves the power of renewing or refusing the same concession⁴¹. But the house of peers, who saw, that this duty was now become more necessary than ever to supply the growing necessities of the crown, and who did not approve of this encroaching spirit in the commons, rejected the bill; and the dissolution of that parliament followed so soon after, that no attempt seems to have been made for obtaining tonnage and poundage in any other form⁴².

CHARLES, meanwhile, continued still to levy this duty by his own authority; and the nation was so accustomed to that exertion of royal power, that no scruple was at first entertained of submitting to it. But the succeeding parliament excited doubts in every one. The commons

⁴¹ Journ. 5 July, 1625.

⁴² See note [X] at the end of the volume.

took there some steps towards declaring it illegal to levy tonnage and poundage without consent of parliament; and they openly showed their intention of employing this engine, in order to extort from the crown concessions of the most important nature. But Charles was not yet sufficiently tamed to compliance, and the abrupt dissolution of that parliament, as above related, put an end, for the time, to their farther pretensions.

THE following interval, between the second and third parliament, was distinguished by so many exertions of prerogative, that men had little leisure to attend to the affair of tonnage and poundage, where the abuse of power in the crown might seem to be of a more disputable nature. But after the commons, during the precedent session, had remedied all these grievances by means of their petition of right, which they deemed so necessary; they afterwards proceeded to take the matter into consideration, and they showed the same intention, as formerly, of exacting, in return for the grant of this revenue, very large compliances on the part of the crown. Their sudden prorogation prevented them from bringing their pretensions to a full conclusion.

WHEN Charles opened this session, he had foreseen, that the same controversy would arise; and he therefore took care, very early, among many mild and reconciling expressions, to inform the commons, " That he had not taken

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“ these duties as appertaining to his hereditary
 “ prerogative; but that it ever was, and still
 “ is, his meaning to enjoy them as a gift of
 “ his people: And that, if he had hitherto levied
 “ tonnage and poundage, he pretended to justify
 “ himself only by the necessity of so doing, not
 “ by any right which he assumed ⁴³. ” This
 concession, which probably arose from the king’s
 moderate temper, now freed from the impulse
 of Buckingham’s violent counsels, might have
 satisfied the commons, had they entertained no
 other view than that of ascertaining their own
 powers and privileges. But they carried their
 pretensions much higher. They insisted, as a
 necessary preliminary, that the king should once
 entirely desist from levying these duties; after
 which, they were to take it into consideration,
 how far they would restore him to the possession
 of a revenue, of which he had clearly divested
 himself. But besides that this extreme rigor had
 never been exercised towards any of his predeces-
 sors, and many obvious inconveniences must fol-
 low from the intermission of the customs; there
 were other reasons, which deterred Charles from
 complying with so hard a condition. It was
 probable, that the commons might renew their
 former project of making this revenue only
 temporary, and thereby reducing their prince
 to perpetual dependence; they certainly would

⁴³ Rushworth, vol. i. p. 644. Parl. Hist. vol. viii.
 p. 256. 346.

cut off the new impositions, which Mary and Elizabeth, but especially James, had levied, and which formed no despicable part of the public revenue; and they openly declared, that they had, at present, many important pretensions, chiefly with regard to religion; and if compliance were refused, no supply must be expected from the commons.

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It is easy to see in what an inextricable labyrinth Charles was now involved. By his own concessions, by the general principles of the English government, and by the form of every bill, which had granted this duty, tonnage and poundage was derived entirely from the free gift of the people; and, consequently might be withdrawn at their pleasure. If unreasonable in their refusal, they still refused nothing but what was their own. If public necessity required this supply, it might be thought also to require the king's compliance with those conditions, which were the prize of obtaining it. Though the motive for granting it had been the enabling of the king to guard the seas; it did not follow, that, because he guarded the seas, he was therefore entitled to this revenue, without farther formality: Since the people had still reserved to themselves the right of judging how far that service merited such a supply. But Charles, notwithstanding his public declaration, was far from assenting to this conclusion, in its full extent. The plain consequence, he saw, of all these rigors, and refinements, and inferences,

C H A P. was, that he, without any public necessity, and
 LI. without any fault of his own, must, of a sudden,
 1629. even from his accession, become a magistrate of
 a very different nature from any of his predecessors,
 and must fall into a total dependence on subjects,
 over whom former kings, especially those im-
 mediately preceding, had exercised an authority
 almost unlimited. Entangled in a chain of con-
 sequences, which he could not easily break, he
 was inclined to go higher, and rather deny the
 first principle, than admit of conclusions, which
 to him appeared so absurd and unreasonable.
 Agreeably to the ideas hitherto entertained both
 by natives and foreigners, the monarch he esteemed
 the essence and soul of the English government;
 and whatever other power pretended to annihilate
 or even abridge the royal authority, must ne-
 cessarily, he thought, either in its nature or
 exercise, be deemed no better than a usurpation.
 Willing to preserve the ancient harmony of the
 constitution, he had ever intended to comply,
 as far as he *easily* could, with the ancient forms of
 administration: But when these forms appeared
 to him, by the inveterate obstinacy of the com-
 mons, to have no other tendency than to disturb
 that harmony, and to introduce a new constitution;
 he concluded, that, in this violent situation,
 what was subordinate must necessarily yield to
 what was principal, and the privileges of the
 people, for a time, give place to royal preroga-
 tive. From the rank of a monarch, to be degraded
 into a slave of his insolent, ungrateful subjects,

seemed, of all indignities, the greatest; and nothing, in his judgment, could exceed the humiliation attending such a state, but the meanness of tamely submitting to it, without making some efforts to preserve the authority transmitted to him by his predecessors.

THOUGH these were the king's reflections and resolutions before the parliament assembled, he did not immediately break with them, upon their delay in voting him this supply. He thought, that he could better justify any strong measure, which he might afterwards be obliged to take, if he allowed them to carry to the utmost extremities their attacks upon his government and prerogative⁴⁴. He contented himself, for the present, with soliciting the house by messages and speeches. But the commons, instead of hearkening to his solicitations, proceeded to carry their scrutiny into his management of religion⁴⁵, which was the only grievance, to which, in their opinion, they had not as yet, by their petition of right, applied a sufficient remedy.

IT was not possible, that this century, so fertile in religious sects and disputes, could escape the controversy concerning fatalism and free-will, which, being strongly interwoven both with philosophy and theology, had, in all ages, thrown every school and every church into such inextricable doubt and perplexity. The first reformers

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Arminian-
ism.

⁴⁴ Rushworth, vol. i. p. 642.

⁴⁵ Idem, ibid. p. 651, Whitlocke, p. 12.

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in England, as in other European countries, had embraced the most rigid tenets of predestination and absolute decrees, and had composed, upon that system, all the articles of their religious creed. But these principles having met with opposition from Arminius and his sectaries, the controversy was soon brought into this island, and began here to diffuse itself. The Arminians, finding more encouragement from the superstitious spirit of the church than from the fanaticism of the puritans, gradually incorporated themselves with the former; and some of that sect, by the indulgence of James and Charles, had attained the highest preferments in the hierarchy. But their success with the public had not been altogether answerable to that which they met with in the church and the court. Throughout the nation, they still lay under the reproach of innovation and heresy. The commons now levelled against them their formidable censures, and made them the objects of daily invective and declamation. Their protectors were stigmatized; their tenets canvassed; their views represented as dangerous and pernicious. To impartial spectators surely, if any such had been at that time in England, it must have given great entertainment, to see a popular assembly, inflamed with faction and enthusiasm, pretend to discuss questions, to which the greatest philosophers, in the tranquillity of retreat, had never hitherto been able to find any satisfactory solution.

AMIDST that complication of disputes, in which

men were then involved, we may observe, that the appellation *puritan* stood for three parties, which, though commonly united, were yet actuated by very different views and motives. There were the political puritans, who maintained the highest principles of civil liberty; the puritans in discipline, who were averse to the ceremonies and episcopal government of the church; and the doctrinal puritans, who rigidly defended the speculative system of the first reformers. In opposition to all these stood the court-party, the hierarchy, and the Arminians; only with this distinction, that the latter sect, being introduced a few years before, did not as yet comprehend all those who were favorable to the church and to monarchy. But, as the controversies on every subject grew daily warmer, men united themselves more intimately with their friends, and separated themselves wider from their antagonists; and the distinction gradually became quite uniform and regular.

THIS house of commons, which, like all the preceding, during the reigns of James and Charles, and even of Elizabeth, was much governed by the puritanical party, thought that they could not better serve their cause, than by branding and punishing the Arminian sect, which, introducing an innovation in the church, were the least favored and least powerful of all their antagonists. From this measure, it was easily foreseen, that, besides gratifying the animosity of the doctrinal puritans, both the puritans in discipline and those

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CHAP. in politics would reap considerable advantages.
 LI. Laud, Neile, Montague, and other bishops, who
 1629. were the chief supporters of episcopal government,
 and the most zealous partisans of the discipline
 and ceremonies of the church, were all supposed
 to be tainted with Arminianism. The same men
 and their disciples were the strenuous preachers of
 passive obedience, and of entire submission to
 princes; and if these could once be censured, and
 be expelled the church and court, it was con-
 cluded, that the hierarchy would receive a mortal
 blow, the ceremonies be less rigidly insisted on,
 and the king, deprived of his most faithful friends,
 be obliged to abate those high claims of preroga-
 tive, on which at present he insisted.

BUT Charles, besides a view of the political
 consequences, which must result from a compliance
 with such pretensions, was strongly determined,
 from principles of piety and conscience, to oppose
 them. Neither the dissipation incident to youth,
 nor the pleasures attending a high fortune, had
 been able to prevent this virtuous prince from
 embracing the most sincere sentiments of religion;
 and that character, which, in that religious age,
 should have been of infinite advantage to him,
 proved in the end the chief cause of his ruin:
 Merely because the religion, adopted by him,
 was not of that precise mode and sect, which
began to prevail among his subjects. His piety,
 though remote from popery, had a tincture of
 superstition in it; and, being averse to the gloomy
 spirit of the puritans, was represented by them as

tending towards the abominations of antichrist. Laud also had unfortunately acquired a great ascendant over him: And as all those prelates, obnoxious to the commons, were regarded as his chief friends and most favored courtiers; he was resolved not to disarm and dishonor himself, by abandoning them to the resentment of his enemies. Being totally unprovided with military force, and finding a refractory independent spirit to prevail among the people; the most solid basis of his authority, he thought, consisted in the support, which he received from the hierarchy.

IN the debates of the commons, which are transmitted to us, it is easy to discern so early some sparks of that enthusiastic fire, which afterwards set the whole nation in combustion. One Rouse made use of an allusion, which, though familiar, seems to have been borrowed from the writings of lord Bacon ⁴⁶. "If a man meet a dog alone," said he, "the dog is fearful, though ever so fierce by nature: But, if the dog have his master with him, he will set upon that man, from whom he fled before. This shows, that lower natures, being backed by higher, increase in courage and strength; and certainly man, being backed with Omnipotence, is a kind of omnipotent creature. All things are possible to him that believes; and where all things are possible, there is a kind of omnipotence. Wherefore, let it be the unanimous

⁴⁶ Essay on Atheism.

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1629.

“ consent and resolution of us all, to make a vow
 “ and covenant henceforth to hold fast our God
 “ and our religion; and then shall we henceforth
 “ expect with certainty happiness in this world ⁴⁷. ”

OLIVER CROMWEL, at that time a young man of no account in the nation, is mentioned in these debates, as complaining of one, who, he was told, preached flat popery ⁴⁸. It is amusing to observe the first words of this fanatical hypocrite correspond so exactly to his character.

THE inquiries and debates concerning tonnage and poundage went hand in hand with these theological or metaphysical controversies. The officers of the custom-house were summoned before the commons, to give an account by what authority they had seized the goods of merchants, who had refused to pay these duties: The barons of the exchequer were questioned concerning their decrees on that head ⁴⁹. One of the sheriffs of London was committed to the Tower for his activity in supporting the officers of the custom-house: The goods of Rolles, a merchant, and member of the house, being seized for his refusal to pay the duties, complaints were made of this violence, as if it were a breach of privilege ⁵⁰: Charles supported his officers in all these measures; and the quarrel grew every day higher between

⁴⁷ Rushworth, vol. i. p. 646. Parl. Hist. vol. viii. p. 260.

⁴⁸ Rushworth, vol. i. p. 655. Parl. Hist. vol. viii. p. 289.

⁴⁹ Rushworth, vol. i. p. 654. Parl. Hist. vol. viii. p. 301.

⁵⁰ Rushworth, vol. i. p. 653.

him and the commons ⁵¹. Mention was made C H A P. in the house of impeaching Sir Richard Weston, LI. the treasurer ⁵²; and the king began to entertain 1629. thoughts of finishing the session by a dissolution.

SIR John Elliot framed a remonstrance against levying tonnage and poundage without consent of parliament, and offered it to the clerk to read. It was refused. He read it himself. The question being then called for, the speaker, Sir John Finch, said, *That he had a command from the king to adjourn, and to put no question* ⁵³. Upon which he rose and left the chair. The whole house was in an uproar. The speaker was pushed back into the chair, and forcibly held in it by Hollis and Valentine; till a short remonstrance was framed, and was passed by acclamation rather than by vote. Papists and Arminians were there declared capital enemies to the commonwealth. Those, who levied tonnage and poundage, were branded with the same epithet. And even the merchants who should voluntarily pay these duties, were denominated betrayers of English liberty, and public enemies. The doors being locked, the gentleman usher of the house of lords, who was

⁵¹ Rushworth, vol. i. p. 658. ⁵² Parl. Hist. vol. viii. p. 326.

⁵³ The king's power of adjourning as well as proroguing the parliament, was and is never questioned. In the 19th of the late king, the judges determined, that the adjournment by the king kept the parliament *in statu quo* until the next sitting; but that then no committees were to meet: But if the adjournment be by the house, then the committees and other matters do continue. Parl. Hist. vol. v. p. 466.

C H A P. sent by the king, could not get admittance till
 LI. this remonstrance was finished. By the king's
 1629. order, he took the mace from the table, which
 ended their proceedings⁵⁴. And a few days after
 the parliament was dissolved.

Dissolution
 of the par-
 liament.
 March 10.

THE discontents of the nation ran high, on
 account of this violent rupture between the king
 and parliament. These discontents Charles in-
 flamed by his affectation of a severity, which he
 had not power, nor probably inclination, to carry
 to extremities. Sir Miles Hobart, Sir Peter
 Heyman, Selden, Coriton, Long, Strode, were
 committed to prison, on account of the last tu-
 mult in the house, which was called sedition⁵⁵.
 With great difficulty, and after several delays,
 they were released; and the law was generally
 supposed to be wrested, in order to prolong their
 imprisonment. Sir John Elliot, Hollis, and Va-
 lentine, were summoned to their trial in the king's
 bench, for seditious speeches and behaviour in
 parliament; but refusing to answer before an in-
 ferior court for their conduct, as members of a
 superior, they were condemned to be imprisoned
 during the king's pleasure, to find sureties for
 their good behaviour, and to be fined, the two
 former a thousand pounds a-piece, the latter five
 hundred⁵⁶. This sentence, procured by the

⁵⁴ Rushworth, vol. i. p. 660. Whitlocke, p. 12.

⁵⁵ Rushworth, vol. i. p. 661. 681. Parl. Hist. vol. viii.
 p. 354. May, p. 13.

⁵⁶ Rushworth, vol. i. p. 684. 691.

influence

influence of the crown, served only to show the king's disregard to the privileges of parliament, and to acquire an immense stock of popularity to the sufferers, who had so bravely, in opposition to arbitrary power, defended the liberties of their native country. The commons of England, though an immense body, and possessed of the greater part of national property, were naturally somewhat defenceless; because of their personal equality and their want of leaders: But the king's severity, if these prosecutions deserve the name, here pointed out leaders to them, whose resentment was inflamed, and whose courage was nowise daunted, by the hardships, which they had undergone in so honorable a cause.

So much did these prisoners glory in their sufferings, that, though they were promised liberty on that condition, they would not condescend even to present a petition to the king, expressing their sorrow for having offended him⁵⁷. They unanimously refused to find sureties for their good behaviour; and disdained to accept of deliverance on such easy terms. Nay, Hollis was so industrious to continue his meritorious distress, that, when one offered to bail him, he would not yield to the rule of court, and be himself bound with his friend. Even Long, who had actually found sureties in the chief justice's chamber, declared in court, that his sureties should no longer continue⁵⁸. Yet because Sir John Elliot

C H A P.
LI.
1629.

⁵⁷ Whitlocke, p. 13.

⁵⁸ Kennet, vol. iii. p. 49.

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happened to die while in custody, a great clamor was raised against the administration; and he was universally regarded as a martyr to the liberties of England²⁹.

²⁹ Rushworth, vol. v. p. 440.

NOTES

TO THE

EIGHTH VOLUME.

NOTE [A], p. 24.

SIR Charles Cornwallis, the king's ambassador at Madrid, when pressed by the duke of Lerma to enter into a league with Spain, said to that minister; *though his majesty was an absolute king, and therefore not bound to give an account to any, of his actions; yet that so gracious and regardful a prince he was of the love and contentment of his own subjects, as I assured myself he would not think it fit to do any thing of so great consequence without acquainting them with his intentions.* Winwood, vol. ii. p. 222. Sir Walter Raleigh has this passage in the preface to his History of the World. *Philip II. by strong hand and main force, attempted to make himself not only an absolute monarch over the Netherlands, like unto the kings and monarchs of England and France, but Turk like, to tread under his feet all their natural and fundamental laws, privileges and ancient rights.* We meet with this passage in Sir John Davis's question concerning impositions, p. 161. "Thus we see by this
" comparison, that the king of England doth lay but his
" little finger upon his subjects, when other princes and
" states do lay their heavy loins upon their people: What
" is the reason of this difference? From whence cometh
" it? assuredly not from a different power or prerogative:
" For the king of England is as absolute a monarch as
" any emperor or king in the world, and hath as many
" prerogatives, incident to his crown." Coke, in Cawdry's case, says, "That by the ancient laws of this realm,
" England is an *absolute* empire and monarchy; and
" that the king is furnished with plenary and entire power,

“ prerogative, and jurisdiction, and is supreme governor
“ over all persons within this realm.” Spencer, speaking
of some grants of the English kings to the Irish corporations, says, “ All which, though at the time of their first
“ grant they were tolerable, and perhaps reasonable, yet
“ now are most unreasonable and inconvenient. But all
“ these will easily be cut off, with the superior power of
“ her majesty’s prerogative, against which her own grants
“ are not to be pleaded or enforced.” State of Ireland,
p. 1537. edit. 1706. The same author in p. 1660,
proposes a plan for the civilization of Ireland; that the
queen should create a provost marshal in every county,
who might ride about with eight or ten followers in search
of stragglers and vagabonds: The first time he catches any,
he may punish them more lightly, by the stocks; the
second time, by whipping; but the third time, he may
hang them, without trial or process, on the first bough:
And he thinks, that this authority may more safely be
intrusted to the provost marshal than to the sheriff: Be-
cause the latter magistrate, having a profit by the escheats
of felons, may be tempted to hang innocent persons.
Here a real absolute, or rather despotic power is pointed
out; and we may infer from all these passages, either
that the word *absolute* bore a different sense from what
it does at present, or that men’s ideas of the English,
as well as Irish government were then different. This
latter inference seems juster. The word, being derived
from the French, bore always the same sense as in that
language. An absolute monarchy in Charles I.’s answer
to the nineteen propositions is opposed to a limited; and
the king of England is acknowledged not to be absolute.
So much had matters changed even before the civil war.
In Sir John Fortescue’s treatise of absolute and limited
monarchy, a book written in the reign of Edward the
IVth, the word *absolute* is taken in the same sense as at
present; and the government of England is also said not
to be absolute. They were the princes of the house of
Tudor chiefly, who introduced that administration, which

had the appearance of absolute government. The princes before them were restrained by the barons; as those after them by the house of commons. The people had, properly speaking, little liberty in either of these ancient governments, but least, in the more ancient.

NOTE [B], p. 25.

EVEN this parliament, which showed so much spirit and good-sense in the affair of Goodwin, made a strange concession to the crown, in their fourth session. Toby Mathews, a member, had been banished by order of the council upon direction from his majesty. The parliament not only acquiesced in this arbitrary proceeding, but issued writs for a new election. Such novices were they, as yet, in the principles of Liberty! See Journ. 14 Feb. 1609. Mathews was banished by the king, on account of his change of religion to popery. The king had an indulgence to those who had been educated catholics; but could not bear the new converts. It was probably the animosity of the commons against the papists, which made them acquiesce in this precedent, without reflecting on the consequences! The jealousy of Liberty, though roused, was not yet thoroughly enlightened.

NOTE [C], p. 28.

AT that time, men of genius and of enlarged minds had adopted the principles of liberty, which were, as yet, pretty much unknown to the generality of the people. Sir Matthew Hales has published a remonstrance against the king's conduct towards the parliament during this session. The remonstrance is drawn with great force of reasoning and spirit of liberty; and was the production of Sir Francis Bacon and Sir Edwin Sandys, two men of the greatest parts and knowledge in England. It is drawn in the name of the commons; but as there is no hint of it in the journals, we must conclude, either that the

authors, sensible that the strain of the piece was much beyond the principles of the age, had not ventured to present it to the house, or that it had been, for that reason, rejected. The dignity and authority of the commons are strongly insisted upon in this remonstrance; and it is there said, that their submission to the ill treatment, which they received during the latter part of Elizabeth's reign, had proceeded from their tenderness towards her age and her sex. But the authors are mistaken in these facts: For the house received and submitted to as bad treatment in the beginning and middle of that reign. The government was equally arbitrary in Mary's reign, in Edward's, in Harry the eighth and seventh's. And the farther we go back into history, though there might be more of a certain irregular kind of liberty among the barons, the commons were still of less authority.

NOTE [D], p. 35.

THIS parliament passed an act of recognition of the king's title in the most ample terms. They recognized and acknowledged, that immediately upon the dissolution and decease of Elizabeth, late queen of England, the imperial crown thereof did, by inherent birthright and lawful and undoubted succession, descend and come to his most excellent majesty, as being lineally, justly, and lawfully next and sole heir of the blood royal of this realm. **1 James I. cap. 1.** The puritans, though then prevalent, did not think proper to dispute this great constitutional point. In the recognition of queen Elizabeth the parliament declares, that the queen's highness is, and in very deed and of most mere right ought to be, by the laws of God and by the laws and statutes of this realm, our most lawful and rightful sovereign, liege lady and queen, &c. It appears then, that, if king James's *divine right* be not mentioned by parliament, the omission came merely from chance, and because that phrase did not occur to the compiler of the recognition; his title being plainly the

same with that of his predecessor, who was allowed to have a *divine* right.

NOTE [E], p. 46.

SOME historians have imagined, that the king had secret intelligence of the conspiracy, and that the letter to Monteagle was written by his direction, in order to obtain the praise of penetration in discovering the plot. But the known facts refute this supposition. That letter, being commonly talked of, might naturally have given an alarm to the conspirators, and made them contrive their escape. The visit of the lord chamberlain ought to have had the same effect. In short it appears, that no body was arrested or inquired after, for some days, till Fawkes discovered the names of the conspirators. We may infer, however, from a letter in Winwood's Memorials, vol. ii. p. 171. that Salisbury's sagacity led the king in his conjectures, and that the minister, like an artful courtier, gave his master the praise of the whole discovery.

NOTE [F], p. 67.

WE find the king's answer in Winwood's Memorials, vol. iii. p. 193. 2d edit. "To the third and fourth
 " (namely, that it might be lawful to arrest the king's
 " servants without leave, and that no man should be
 " enforced to lend money, nor to give a reason why he
 " would not) his majesty sent us an answer, that because
 " we brought precedents of antiquity to strengthen those
 " demands, he allowed not of any precedents drawn from
 " the time of usurping or decaying princes, or people too
 " bold and wanton; that he desired not to govern in
 " that commonwealth, where subjects should be assured
 " of all things, and hope for nothing. It was one thing
 " *submittere principatum legibus*; and another thing *sub-*
 " *mittere principatum subditis*. That he would not
 " leave to posterity such a mark of weakness upon his

“ reign; and therefore his conclusion was, *non placet*
 “ *petitio, non placet exemplum*: Yet with this mitigation
 “ that in matters of loans he would refuse no reasonable
 “ excuse, nor should my lord chamberlain deny the ar-
 “ resting of any of his majesty’s servants, if just cause
 “ was shown.” The parliament, however, acknowledged
 at this time with thankfulness to the king, that he allowed
 disputes and inquiries about his prerogative, much beyond
 what had been indulged by any of his predecessors. *Par-*
liament Hist. vol. v. p. 230. This very session, he
 expressly gave them leave to produce all their grievances,
 without exception.

NOTE [G], p. 72.

IT may not be unworthy of observation, that James,
 in a book called *The true Lawes of free Monarchies*, which
 he published a little before his accession to the crown of
 England, affirmed, “ That a good king, although he be
 “ above the law, will subject and frame his actions thereto,
 “ for example’s sake to his subjects, and of his own free
 “ will, but not as subject or bound thereto.” In another
 passage, “ According to the fundamental law already alleged,
 “ we daily see, that in the parliament (which is nothing
 “ else but the head-court of the king and his vassals) the
 “ laws are but craved by his subjects, and only made by
 “ him at their roagation, and with their advice. For albeit
 “ the king *make daily* statutes and ordinances, enjoining
 “ such pains thereto as he thinks meet, without any
 “ advice of parliament or estates; yet it lies in the power
 “ of no parliament to make any kind of law or statute,
 “ without his sceptre be to it, for giving it the force of
 “ a law.” *King James’s Works*, p. 202. It is not to
 be supposed, that, at such a critical juncture, James had
 so little sense as, directly, in so material a point, to have
 openly shocked what were the universal established princi-
 ples of that age: On the contrary, we are told by histori-
 ans, that nothing tended more to facilitate his accession,

than the good opinion entertained of him by the English, on account of his learned and judicious writings. The question, however, with regard to the royal power was, at this time, become a very dangerous point; and without employing ambiguous, insignificant terms, which determined nothing, it was impossible to please both king and parliament. Dr. Cowell, who had magnified the prerogative in words too intelligible, fell this session under the indignation of the commons. *Parliament. Hist.* vol. v. p. 221. The king himself, after all his magnificent boasts, was obliged to make his escape through a distinction, which he framed between a king *in abstracto* and a king *in concreto*: An abstract king, he said, had all power; but a concrete king was bound to observe the laws of the country, which he governed. *King James's Works*, p. 533. But, how bound? By conscience only; Or might his subjects resist him and defend their privileges? This he thought not fit to explain. And so difficult is it to explain that point, that, to this day, whatever liberties may be used by private inquirers, the laws have, very prudently, thought proper to maintain a total silence with regard to it.

NOTE [H], p. 94.

PARL. HIST. vol. v. p. 290. So little fixed at this time were the rules of parliament, that the commons complained to the peers of a speech made in the upper house by the bishop of Lincoln; which it belonged only to that house to censure, and which the other could not regularly be supposed to be acquainted with. These at least are the rules established since the parliament became a real seat of power, and scene of business. Neither the king must take notice of what passes in either house, nor either house of what passes in the other, till regularly informed of it. The commons, in their famous protestation 1621, fixed this rule with regard to the king, though at present they would not bind themselves by it. But as

liberty was yet new, those maxims, which guard and regulate it, were unknown and unpractised.

NOTE [I], p. 125.

SOME of the facts in this narrative, which seem to condemn Raleigh, are taken from the king's declaration, which being published by authority, when the facts were recent, being extracted from examinations before the privy council, and subscribed by six privy counsellors, among whom was Abbot, archbishop of Canterbury, a prelate nowise complaisant to the court, must be allowed to have great weight, or rather to be of undoubted credit. Yet the most material facts are confirmed either by the nature and reason of the thing, or by Sir Walter's own apology and his letters. The king's declaration is in the Harleian miscellany, Vol. 3. No. 2.

1. THERE seems to be an improbability, that the Spaniards, who knew nothing of Raleigh's pretended mine, should have built a town, in so wide a coast, within three miles of it. The chances are extremely against such a supposition: And it is more natural to think, that the view of plundering the town led him thither, than that of working a mine. 2. No such mine is there found to this day. 3. Raleigh in fact found no mine, and in fact he plundered and burned a Spanish town. Is it not more probable, therefore, that the latter was his intention? How can the secrets of his breast be rendered so visible as to counterpoise certain facts? 4. He confesses, in his letter to lord Carew, that, though he knew it, yet he concealed from the king the settlement of the Spaniards on that coast. Does not this fact alone render him sufficiently criminal? 5. His commission impowers him only to settle on a coast possessed by savage and barbarous inhabitants. Was it not the most evident breach of orders to disembark on a coast possessed by Spaniards? 6. His orders to Keymis, when he sent him up the river, are contained in his own apology, and from them it appears, that he knew

(what was unavoidable) that the Spaniards would resist, and would oppose the English landing and taking possession of the country. His intentions, therefore, were hostile from the beginning. 7. Without provocation, and even when at a distance, he gave Keymis orders to dislodge the Spaniards from their own town. Could any enterprise be more hostile? And considering the Spaniards as allies to the nation, could any enterprise be more criminal? Was he not the aggressor, even though it should be true that the Spaniards fired upon his men at landing? It is said, he killed three or four hundred of them. Is that so light a matter? 8. In his letter to the king, and in his apology, he grounds his defence on former hostilities exercised by the Spaniards against other companies of Englishmen. These are accounted for by the ambiguity of the treaty between the nations. And it is plain, that though these might possibly be reasons for the king's declaring war against that nation, they could never entitle Raleigh to declare war, and, without any commission, or contrary to his commission, to invade the Spanish settlements. He pretends indeed that peace was never made with Spain in the Indies: A most absurd notion! The chief hurt which the Spaniards could receive from England was in the Indies; and they never would have made peace at all, if hostilities had been still to be continued on these settlements. By secret agreement, the English were still allowed to support the Dutch even after the treaty of peace. If they had also been allowed to invade the Spanish settlements, the treaty had been a full peace to England, while the Spaniards were still exposed to the full effects of war. 9. If the claim to the property of that country, as first discoverers, was good, in opposition to present settlement, as Raleigh pretends; why was it not laid before the king with all its circumstances, and submitted to his judgment? 10. Raleigh's force is acknowledged by himself to have been insufficient to support him in the possession of St. Thomas against the power of which Spain was master on that coast; yet it was sufficient, as he owns, to take by

surprise and plunder twenty towns. It was not therefore his design to settle, but to plunder. By these confessions, which I have here brought together, he plainly betrays himself. 11. Why did he not stay and work his mine, as at first he projected? He apprehended that the Spaniards would be upon him with a greater force. But before he left England, he knew that this must be the case, if he invaded any part of the Spanish colonies. His intention therefore never was to settle, but only to plunder. 12. He acknowledges that he knew neither the depth nor riches of the mine, but only that there was some ore there. Would he have ventured all his fortune and credit on so precarious a foundation? 13. Would the other adventurers, if made acquainted with this, have risked every thing to attend him? Ought a fleet to have been equipped for an experiment? Was there not plainly an imposture in the management of this affair? 14. He says to Keymis, in his orders, Bring but a basket-full of ore, and it will satisfy the king, that my project was not imaginary. This was easily done from the Spanish mines; and he seems to have been chiefly displeased at Keymis for not attempting it. Such a view was a premeditated apology to cover his cheat. 15. The king in his declaration imputes it to Raleigh, that as soon as he was at sea, he immediately fell into such uncertain and doubtful talk of his mine, and said, that it would be sufficient if he brought home a basket-full of ore. From the circumstance last-mentioned, it appears that this imputation was not without reason. 16. There are many other circumstances of great weight in the king's declaration; that Raleigh, when he fell down to Plymouth, took no pioneers with him, which he always declared to be his intention; that he was no-wise provided with instruments for working a mine, but had a sufficient stock of warlike stores; that young Raleigh, in attacking the Spaniards, employed the words, which, in the narration, I have put in his mouth; that the mine was moveable, and shifted as he saw convenient: Not to mention many other

public facts which prove him to have been highly criminal against his companions as well as his country. Howel in his letters says, that there lived in London, in 1645, an officer, a man of honor, who asserted, that he heard young Raleigh speak these words, vol. ii. letter 63. That was a time when there was no interest in maintaining such a fact. 17. Raleigh's account of his first voyage to Guiana proves him to have been a man capable of the most extravagant credulity or most impudent imposture. So ridiculous are the stories which he tells of the Inca's chimerical empire in the midst of Guiana; the rich city of El Dorado, or Manao, two days journey in length, and shining with gold and silver; the old Peruvian prophecies in favor of the English, who, he says, were expressly named as the deliverers of that country, long before any European had ever touched there; the Amazons or republic of women; and in general, the vast and incredible riches which he saw on that continent, where nobody has yet found any treasures. This whole narrative is a proof that he was extremely defective either in solid understanding, or morals, or both. No man's character indeed seems ever to have been carried to such extremes as Raleigh's, by the opposite passions of envy and pity. In the former part of his life, when he was active and lived in the world, and was probably best known, he was the object of universal hatred and detestation throughout England; in the latter part, when shut up in prison, he became, much more unreasonably, the object of great love and admiration.

As to the circumstances of the narrative, that Raleigh's pardon was refused him, that his former sentence was purposely kept in force against him, and that he went out under these express conditions, they may be supported by the following authorities. 1. The king's word and that of six privy-counsellors, who affirm it for fact. 2. The nature of the thing. If no suspicion had been entertained of his intentions, a pardon would never have been refused to a man, to whom authority was intrusted. 3. The

words of the commission itself, where he is simply styled Sir Walter Raleigh, and not *faithful and well beloved*, according to the usual and never-failing style on such occasions. 4. In all the letters which he wrote home to Sir Ralph Winwood and to his own wife, he always considers himself as a person unpardoned and liable to the law. He seems indeed, immediately upon the failure of his enterprize, to have become desperate, and to have expected the fate which he met with.

IT is pretended, that the king gave intelligence to the Spaniards of Raleigh's project; as if he had needed to lay a plot for destroying a man, whose life had been fourteen years, and still was, in his power. The Spaniards wanted no other intelligence to be on their guard, than the known and public fact of Raleigh's armament. And there was no reason why the king should conceal from them the project of a settlement, which Raleigh pretended, and the king believed, to be entirely innocent.

THE king's chief blame seems to have lain in his negligence, in allowing Raleigh to depart without a more exact scrutiny: But for this he apologizes, by saying, that sureties were required for the good behaviour of Raleigh and all his associates in the enterprize, but that they gave in bonds for each other: A cheat which was not perceived till they had failed, and which increased the suspicion of bad intentions.

PERHAPS the king ought also to have granted Raleigh a pardon for his old treason, and to have tried him a-new for his new offences. His punishment in that case would not only have been just, but conducted in a just and unexceptionable manner. But we are told that a ridiculous opinion at that time prevailed in the nation (and it is plainly supposed by Sir Walter in his apology) that, by treaty, war was allowed with the Spaniards in the Indies, though peace was made in Europe: And while that notion took place, no jury would have found Raleigh guilty. So that had not the king punished him upon the old sentence, the Spaniards would have had a just cause of complaint

against the king, sufficient to have produced a war, at least to have destroyed all cordiality between the nations.

THIS explication I thought necessary, in order to clear up the story of Raleigh; which, though very obvious, is generally mistaken in so gross a manner, that I scarcely know its parallel in the English history.

NOTE [K], p. 135.

THIS parliament is remarkable for being the epoch, in which were first regularly formed, though without acquiring these denominations, the parties of court and country; parties, which have ever since continued, and which, while they oft threaten the total dissolution of the government, are the real causes of its permanent life and vigor. In the ancient feudal constitution, of which the English partook with other European nations, there was a mixture, not of authority and liberty, which we have since enjoyed in this island, and which now subsist uniformly together; but of authority and anarchy, which perpetually shocked with each other, and which took place alternately, according as circumstances were more or less favorable to either of them. A parliament composed of barbarians, summoned from their fields and forests, uninstructed by study, conversation, or travel; ignorant of their own laws and history, and unacquainted with the situation of all foreign nations; a parliament called precariously by the king, and dissolved at his pleasure; sitting a few days, debating a few points prepared for them, and whose members were impatient to return to their own castles, where alone they were great, and to the chase, which was their favorite amusement: Such a parliament was very little fitted to enter into a discussion of all the questions of government, and to share, in a regular manner, the legal administration. The name, the authority of the king alone appeared, in the common course of government; in extraordinary emergencies, he assumed, with still better reason, the sole direction; the imperfect and unformed laws left,

in every thing, a latitude of interpretation; and when the ends, pursued by the monarch, were, in general, agreeable to his subjects, little scruple or jealousy was entertained with regard to the regularity of the means. During the reign of an able, fortunate, or popular prince, no member of either house, much less of the lower, durst think of entering into a formed party, in opposition to the court; since the dissolution of the parliament, must, in a few days, leave him unprotected, to the vengeance of his sovereign, and to those stretches of prerogative, which were then so easily made, in order to punish an obnoxious subject. During an unpopular and weak reign, the current commonly ran so strong against the monarch, that none durst enlist themselves in the court-party; or if the prince was able to engage any considerable barons on his side, the question was decided with arms in the field, not by debates or arguments in a senate or assembly. And upon the whole, the chief circumstance, which, during ancient times, retained the prince in any legal form of administration, was, that the sword, by the nature of the feudal tenures, remained still in the hands of his subjects; and this irregular and dangerous check had much more influence than the regular and methodical limits of the laws and constitution. As the nation could not be compelled, it was necessary that every public measure of consequence, particularly that of levying new taxes, should seem to be adopted by common consent and approbation.

THE princes of the house of Tudor, partly by the vigor of their administration, partly by the concurrence of favorable circumstances, had been able to establish a more regular system of government; but they drew the constitution so near to despotism, as diminished extremely the authority of the parliament. The senate became, in a great degree, the organ of royal will and pleasure: Opposition would have been regarded as a species of rebellion: And even religion, the most dangerous article in which innovations could be introduced, had admitted, in the course of a few years, four several alterations, from the
authority

authority alone of the sovereign. The parliament was not then the road to honor and preferment: The talents of popular intrigue and eloquence were uncultivated and unknown: And though that assembly still preserved authority, and retained the privilege of making laws and bestowing public money, the members acquired not, upon that account, either with prince or people, much more weight and consideration. What powers were necessary for conducting the machine of government, the king was accustomed, of himself, to assume. His own revenues supplied him with money sufficient for his ordinary expenses. And when extraordinary emergencies occurred, the prince needed not to solicit votes in parliament, either for making laws or imposing taxes, both of which were now become requisite for public interest and preservation.

THE security of individuals, so necessary to the liberty of popular councils, was totally unknown in that age. And as no despotic princes, scarcely even the eastern tyrants, rule entirely without the concurrence of some assemblies, which supply both advice and authority; little, but a mercenary force, seems then to have been wanting towards the establishment of a simple monarchy in England. The militia, though more favorable to regal authority, than the feudal institutions, was much inferior, in this respect, to disciplined armies; and if it did not preserve liberty to the people, it preserved, at least, the power, if ever the inclination should arise, of recovering it.

BUT so low, at that time, ran the inclination towards liberty, that Elizabeth, the last of that arbitrary line, herself no less arbitrary, was yet the most renowned and most popular of all the sovereigns, that had filled the throne of England. It was natural for James to take the government as he found it, and to pursue her measures, which he heard so much applauded; nor did his penetration extend so far as to discover, that neither his circumstances nor his character could support so extensive an

authority. His narrow revenues and little frugality began now to render him dependent on his people, even in the ordinary course of administration: Their increasing knowledge discovered to them that advantage, which they had obtained; and made them sensible of the inestimable value of civil liberty. And as he possessed too little dignity to command respect, and too much good-nature to impress fear, a new spirit discovered itself every day in the parliament; and a party, watchful of a free constitution, was regularly formed in the house of commons.

BUT notwithstanding these advantages acquired to liberty, so extensive was royal authority, and so firmly established in all its parts, that it is probable the patriots of that age would have despaired of ever resisting it, had they not been stimulated by religious motives, which inspire a courage unfurmountable by any human obstacle.

THE same alliance, which has ever prevailed between kingly power and ecclesiastical authority, was now fully established in England; and while the prince assisted the clergy in suppressing schismatics and innovators, the clergy, in return, inculcated the doctrine of an unreserved submission and obedience to the civil magistrate. The genius of the church of England, so kindly to monarchy, forwarded the confederacy; its submission to episcopal jurisdiction; its attachment to ceremonies, to order, and to a decent pomp and splendor of worship; and in a word, its affinity to the tame superstition of the catholics, rather than to the wild fanaticism of the puritans.

ON the other hand, opposition to the church, and the persecutions under which they labored, were sufficient to throw the puritans into the country party, and to beget political principles little favorable to the high pretensions of the sovereign. The spirit too of enthusiasm, bold, daring, and uncontrouled, strongly disposed their minds to adopt republican tenets; and inclined them to arrogate, in their actions and conduct the same liberty, which they assumed, in their rapturous flights and ecstasies. Ever since the first origin of that sect, through the whole

reign of Elizabeth as well as of James, *puritanical* principles had been understood in a double sense, and expressed the opinions favorable both to political and to ecclesiastical liberty. And as the court, in order to discredit all parliamentary opposition, affixed the denomination of puritans to its antagonists; the religious puritans willingly adopted this idea, which was so advantageous to them, and which confounded their cause with that of the patriots or country-party. Thus were the civil and ecclesiastical factions regularly formed; and the humor of the nation, during that age, running strongly towards fanatical extravagances, the spirit of civil liberty gradually revived from its lethargy, and by means of its religious associate, from which it reaped more advantage than honor, it secretly enlarged its dominion over the greater part of the kingdom.

This Note was in the first editions a part of the text, but the author omitted it, in order to avoid, as much as possible, the style of dissertation in the body of his history. The passage however, contains views so important, that he thought it might be admitted as a note.

NOTE [L], p. 148.

THIS protestation is so remarkable, that it may not be improper to give it in its own words. “The commons now assembled in parliament, being justly occasioned thereunto, concerning sundry liberties, franchises, and privileges, of parliament, amongst others here mentioned, do make this protestation following; That the liberties, franchises, and jurisdictions of parliament are the ancient and undoubted birth-right and inheritance of the subjects of England; and that the urgent and arduous affairs concerning the king, state, and defence of the realm and of the church of England; and the maintenance and making of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of council and debate in

“ parliament; and that in the handling and proceeding
 “ of those busineses, every member of the house of par-
 “ liament hath, and, of right, ought to have, freedom
 “ of speech to propound, treat, reason, and bring to
 “ conclusion the same; and that the commons in parlia-
 “ ment have like liberty and freedom to treat of these
 “ matters, in such order as in their judgment shall seem
 “ fittest, and that every member of the said house hath
 “ like freedom from all impeachment, imprisonment,
 “ and molestation (other than by censure of the house
 “ itself) for or concerning any speaking, reasoning, or
 “ declaring of any matter or matters touching the parlia-
 “ ment or parliament-busines. And that if any of the
 “ said members be complained of and questioned for any
 “ thing done or said in parliament, the same is to
 “ be shown to the king by the advice and assent of all the
 “ commons assembled in parliament, before the king give
 “ credence to any private information.” Franklyn, p. 65.
 Rushworth, vol. i. p. 53. Kennet, p. 747. Coke, p. 77.

NOTE [M], p. 180.

THE moment the prince embarked at St. Andero's, he
 said, to those about him, that it was folly in the Spani-
 ards to use him so ill, and allow him to depart:
 A proof that the duke had made him believe they were
 insincere in the affair of the marriage and the Palatinate:
 For, as to his reception, in other respects, it had been
 altogether unexceptionable. Besides, had not the prince
 believed the Spaniards to be insincere, he had no reason
 to quarrel with them, though Buckingham had. It ap-
 pears, therefore, that Charles himself must have been
 deceived. The multiplied delays of the dispensation,
 though they arose from accident, afforded Buckingham a
 plausible pretext for charging the Spaniards with insincerity.

NOTE [N], p. 182.

AMONG other particulars, he mentions a sum of 80,000 pounds borrowed from the king of Denmark. In a former speech to the parliament, he told them, that he had expended 500,000 pounds in the cause of the Palatine, besides the voluntary contribution given him by the people. See Franklyn, p. 50. But what is more extraordinary, the treasurer, in order to show his own good services, boasts to the parliament, that by his contrivance, 60,000 pounds had been saved in the article of exchange in the sums remitted to the Palatine. This seems a great sum, nor is it easy to conceive whence the king could procure such vast sums as would require a sum so considerable to be paid in exchange. From the whole, however, it appears, that the king had been far from neglecting the interests of his daughter and son-in-law, and had even gone far beyond what his narrow revenue could afford.

NOTE [O], p. 184.

HOW little this principle had prevailed, during any former period of the English government, particularly during the last reign, which was certainly not so perfect a model of liberty as most writers would represent it, will easily appear from many passages in the history of that reign. But the ideas of men were much changed, during about twenty years of a gentle and peaceful administration. The commons, though James, of himself, had recalled all patents of monopolies, were not contented without a law against them, and a declaratory law too; which was gaining a great point, and establishing principles very favorable to liberty: But they were extremely grateful, when Elizabeth, upon petition (after having once refused their requests) recalled a few of the most oppressive patents; and employed some soothing expressions towards them.

THE parliament had surely reason, when they confessed,

in the seventh of James, that he allowed them more freedom of debate, than ever was indulged by any of his predecessors. His indulgence in this particular, joined to his easy temper, was probably one cause of the great power assumed by the commons. Monsieur de la Boderie, in his dispatches, vol. i. p. 449. mentions the liberty of speech in the house of commons as a new practice.

NOTE [P], p. 192.

RYMER, tom. xviii. p. 224. 'Tis certain that the young prince of Wales, afterwards Charles II. had protestant governors from his early infancy, first the earl of Newcastle, then the Marquis of Hertford. The king, in his memorial to foreign churches after the commencement of the civil wars, insists on his care in educating his children in the protestant religion, as a proof that he was no-wise inclined to the catholic. Rushworth, vol. v. p. 752. It can scarcely, therefore, be questioned, but this article, which has so odd an appearance, was inserted only to amuse the pope, and was never intended by either party to be executed.

NOTE [Q], p. 204.

MONARCHIES," according to Sir Walter Raleigh, "are of two sorts touching their power or authority, viz. 1. Entire, where the whole power of ordering all state matters, both in peace and war, doth, by law and custom, appertain to the prince, as in the English kingdom; were the prince hath the power to make laws, league and war; to create magistrates; to pardon life; of appeal, &c. Though, to give a contentment to the other degrees, they have a suffrage in making laws, yet ever subject to the prince's pleasure and negative will. — 2. Limited or restrained, that hath no full power in all the points and matters of state, as the military king that hath not the sovereignty in time of

“ peace, as the making of laws, &c. But in war only,
 “ as the Polonian king. *Maxims of State.*”

AND a little after, “ In every just state, some part of
 “ the government is, or ought to be, imparted to the people,
 “ as in a kingdom, a voice and suffrage in making laws;
 “ and sometimes also of levying of arms (if the charge be great,
 “ and the prince forced to borrow help of his subjects)
 “ the matter rightly may be propounded to a parliament,
 “ that the tax may *seem* to have proceeded from them-
 “ selves. So consultations and some proceedings in judi-
 “ cial matters may, in part, be referred to them. The
 “ reason, left, seeing themselves to be in no number nor
 “ of reckoning, they mislike the state or government.”

This way of reasoning differs little from that of king James, who considered the privileges of the parliament as matters of grace and indulgence, more than of inheritance. It is remarkable that Raleigh was thought to lean towards the puritanical party, notwithstanding these positions. But ideas of government change much in different times.

RALEIGH'S sentiments on this head are still more openly expressed, in his *Prerogative of parliaments*, a work not published till after his death. It is a dialogue between a courtier or counsellor and a country justice of peace, who represents the patriot party, and defends the highest notions of liberty, which the principles of that age would bear. Here is a passage of it: “ *Counsellor.* That which
 “ is done by the king, with the advice of his private or
 “ privy council, is done by the king's absolute power.
 “ *Justice.* And by whose power is it done in parliament
 “ but by the king's absolute power? Mistake it not, my
 “ lord: The three estates do but advise as the privy
 “ council doth; which advice, if the king embrace, it
 “ becomes the king's own act in the one, and the king's
 “ law in the other, &c.”

THE earl of Clare, in a private letter to his son-in-law Sir Thomas Wentworth, afterwards earl of Strafford, thus expresses himself, “ We live under a prerogative govern-
 “ ment, where book-law submits to *lex loquens.*” He

spoke from his own, and all his ancestors' experience. There was no single instance of power, which a king of England might not, at that time, exert, on pretence of necessity or expedience: The continuance alone or frequent repetition of arbitrary administration might prove dangerous, for want of force to support it. It is remarkable that this letter of the earl of Clare was written in the first year of Charles's reign; and consequently must be meant of the general genius of the government, not the spirit or temper of the monarch. See Strafford's letters, vol. i. p. 32. From another letter in the same collection, vol. i. p. 10. it appears that the council sometimes assumed the power of forbidding persons disagreeable to the court, to stand in the elections. This authority they could exert in some instances; but we are not thence to infer, that they could shut the door of that house to every one who was not acceptable to them. The genius of the ancient government reposed more trust in the king, than to entertain any such suspicion, and it allowed scattered instances, of such a kind as would have been totally destructive of the constitution, had they been continued without interruption.

I HAVE not met with any English writer in that age, who speaks of England as a limited monarchy, but as an absolute one, where the people have many privileges. That is no contradiction. In all European monarchies, the people have privileges; but whether dependent or independent on the will of the monarch, is a question, that, in most governments, it is better to forbear. Surely that question was not determined, before the age of James. The rising spirit of the parliament, together with that king's love of general, speculative principles, brought it from its obscurity, and made it be commonly canvassed. The strongest testimony, that I remember from a writer of James's age, in favor of English liberty, is in cardinal Bentivoglio, a foreigner, who mentions the English government as similar to that of the low-country provinces under their princes, rather than to that of France or Spain.

Englishmen were not so sensible that their prince was limited, because they were sensible, that no individual had any security against a stretch of prerogative: But foreigners, by comparison, could perceive, that these stretches were, at that time, from custom or other causes, less frequent in England than in other monarchies. Philip de Comines too, remarked the English constitution to be more popular, in his time, than that of France. But in a paper written by a patriot in 1627, it is remarked that the freedom of speech in parliament had been lost in England, since the days of Comines. See Franklyn, p. 238. Here is a stanza of Malherbe's Ode to Mary de Medicis, the queen-regent, written in 1614.

Entre les rois à qui cet age
Doit son principal ornement,
Ceux de la Tamise et du Tage
Font louer leur gouvernement:
Mais en de si calmes provinces,
Où le peuple adore les princes,
Et met au gré le plus haut
L'honneur du sceptre legitime,
Sçauroit-on excuser le crime
De ne regner pas comme il faut.

The English, as well as the Spaniards, are here pointed out as much more obedient subjects than the French, and much more tractable and submissive to their princes. Though this passage be taken from a poet, every man of judgment will allow its authority to be decisive. The character of a national government cannot be unknown in Europe; though it changes sometimes very suddenly. Machiavel, in his Dissertations on Livy, says repeatedly, that France was the most legal and most popular monarchy then in Europe.

NOTE [R], p. 204.

PASSIVE obedience is expressly and zealously inculcated in the homilies, composed and published by authority, in the reign of queen Elizabeth. The convocation, which met in the very first year of the king's reign, voted as high monarchical principles as are contained in the decrees of the university of Oxford, during the rule of the tories. These principles, so far from being deemed a novelty, introduced by James's influence, passed so smoothly, that no historian has taken notice of them: They were never the subject of controversy, or dispute, or discourse; and it is only by means of bishop Overall's Convocation-book, printed near seventy years after, that we are acquainted with them. Would James, who was so cautious, and even timid, have ventured to begin his reign with a bold stroke, which would have given just ground of jealousy to his subjects? It appears, from that monarch's Basilicon Doron, written while he was in Scotland, that the republican ideas of the origin of power from the people were, at that time, esteemed puritanical novelties. The patriarchal scheme, it is remarkable, is inculcated in those votes of the convocation preserved by Overall; nor was Filmer the first inventor of those absurd notions.

NOTE [S], p. 230.

THAT of the honest historian Stowe seems not to have been of this number. "The great blessings of God," says he, through increase of wealth in the common subjects of this land, especially upon the citizens of London; such within men's memory, and chiefly within these few years of peace, that, except there were now due mention of some sort made thereof, it would in time to come be held incredible, &c." In another place, "Amongst the manifold tokens and signs of the infinite blessings of Almighty God bestowed upon this

“ kingdom, by the wondrous and merciful establishing of
 “ peace within ourselves, and the full benefit of concord
 “ with all christian nations and others: Of all which graces
 “ let no man dare to presume he can speak too much,
 “ whereof in truth there can never be enough said, nei-
 “ ther was there ever any people less considerate and less
 “ thankful than at this time, being not willing to endure
 “ the memory of their present happiness, as well as in
 “ the universal increase of commerce and traffic through-
 “ out the kingdom, great building of royal ships and by
 “ private merchants, the re-peopling of cities, towns,
 “ and villages, beside the discernible and sudden increase
 “ of fair and costly buildings, as well within the city of
 “ London as the suburbs thereof, especially, within these
 “ twelve years, &c.”

NOTE [T], p. 276.

BY a speech of Sir Simon D'Ewes, in the first year of the long parliament, it clearly appears, that the nation never had, even to that time, been rightly informed concerning the transactions of the Spanish negotiation, and still believed the court of Madrid to have been altogether insincere in their professions. What reason, upon that supposition, had they to blame either the prince or Buckingham for their conduct, or for the narrative delivered to the parliament? This is a capital fact, and ought to be well attended to. D'Ewes's speech is in Nelson, vol. ii. p. 368. No author or historian of that age mentions the discovery of Buckingham's impostures as a cause of disgust in the parliament. Whitlocke, p. 1. only says, that the commons began to suspect, *that it had been spleen in Buckingham*, not zeal for public good, *which had induced him to break the Spanish match*: A clear proof that his falsehood was not suspected. Wilson, p. 780. says, that Buckingham lost his popularity after Bristol arrived, not because that nobleman discovered to the world the falsehood of his narrative, but because he proved

that Buckingham, while in Spain, had professed himself a papist; which is false, and which was never said by Bristol. In all the debates which remain, not the least hint is ever given, that any falsehood was suspected in the narrative. I shall farther add, that even if the parliament had discovered the deceit in Buckingham's narrative, this ought not to have altered their political measures, or made them refuse supply to the king. They had supposed it practicable to wrest the Palatinate by arms from the house of Austria; they had represented it as prudent to expend the blood and treasure of the nation in such an enterprise; they had believed that the king of Spain never had any sincere intention of restoring that principality. It is certain that he had not now any such intention: And though there was reason to suspect, that this alteration in his views had proceeded from the ill conduct of Buckingham, yet past errors could not be retrieved; and the nation was undoubtedly in the same situation, which the parliament had ever supposed, when they so much harassed their sovereign, by their impatient, importunate, and even undutiful solicitations. To which we may add, that Charles himself was certainly deceived by Buckingham, when he corroborated his favorite's narrative by his testimony. Party-historians are somewhat inconsistent in their representations of these transactions: They represent the Spaniards as totally insincere, that they may reproach James with credulity in being so long deceived by them: They represent them as sincere, that they may reproach the king, the prince, and the duke, with falsehood in their narrative to the parliament. The truth is, they were insincere at first; but the reasons, proceeding from bigotry, were not suspected by James, and were at last overcome. They became sincere; but the prince, deceived by the many unavoidable causes of delay, believed that they were still deceiving him.

NOTE [V], p. 322.

*T*HIS petition is of so great importance, that we shall here give it at length. Humbly shew unto our sovereign lord the king, the lords spiritual and temporal, and commons, in parliament assembled, That whereas it is declared and enacted, by a statute made in the time of the reign of king Edward I. commonly called *Statutum de tallagio non concedendo*, that no tallage or aid shall be levied by the king or his heirs in this realm, without the good will and assent of the archbishops, bishops, earls, barons, knights, burgeses, and other the freemen of the commonalty of this realm: And, by authority of parliament holden in the five-and-twentieth year of the reign of king Edward III. it is declared and enacted, That, from thenceforth, no person shall be compelled to make any loans to the king against his will, because such loans were against reason, and the franchise of the land: And, by other laws of this realm, it is provided, that none should be charged by any charge or imposition called a benevolence, or by such like charge: By which the statutes before-mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in parliament.

II. YET nevertheless, of late divers commissions directed to fundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your majesty, and many of them, upon their refusal so to do, have had an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your privy council, and in other places, and others of them, have been therefore imprisoned, confined, and fundry other ways molested and disquieted: And divers other

charges have been laid and levied upon your people, in several counties, by lord-lieutenants, deputy-lieutenants, commissioners for musters, justices of peace, and others, by command or direction from your majesty, or your privy council, against the laws and free customs of this realm.

III. AND whereas also, by the statute called *The great charter of the liberties of England*, it is declared and enacted, That no freeman may be taken or imprisoned, or be disseized of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

IV. AND, in the eight-and-twentieth year] of the reign of king Edward III. it was declared and enacted, by authority of parliament, That no man, of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of law.

V. NEVERTHELESS, against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause showed: And, when, for their deliverance, they were brought before justice, by your majesty's writs of *Habeas Corpus*, there to undergo and receive as the court should order, and their keepers commanded to certify, the causes of their detainer, no cause was certified, but that they were detained by your majesty's special command, signified by the lords of your privy council, and yet were returned back to several prisons, without being charged with any thing to which they might make answer according to the law.

VI. AND whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants, against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and cus-

oms of this realm, and to the great grievance and vexation of the people.

VII. AND whereas also, by authority of parliament, in the five-and-twentieth year of the reign of king Edward III. it is declared and enacted, That no man should be fore-judged of life or limb against the form of the *Great charter*, and law of the land: And, by the said *Great charter*, and other the laws and statutes of this your realm, no man ought to be judged to death but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament: And whereas no offender, of what kind soever, is exempted from the proceedings to be used, and punishments to be inflicted, by the laws and statutes of this your realm: Nevertheless, of late divers commissions, under your majesty's great seal, have issued forth, by which certain persons have been assigned and appointed commissioners, with power and authority to proceed within the land, according to the justice of martial law, against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial.

VIII. BY pretext whereof some of your majesty's subjects have been, by some of the said commissioners, put to death, when and where, if, by the laws and statutes of the land, they had deserved death, by the same laws and statutes also they might, and by no other ought, to have been judged and executed.

IX. AND also fundry grievous offenders, by color thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forborn to proceed against

such offenders, according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid: Which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

X. THEY do therefore humbly pray your most excellent majesty, That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent, by act of parliament: And that none be called to make answer, or take such oath, or to give attendance, or be confined or otherways molested or disquieted concerning the same, or for refusal thereof: And that no freeman, in any such manner as is before-mentioned, be imprisoned or detained: And that your majesty would be pleased to remove the said soldiers and mariners, and that people may not be so burthened in time to come; and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled: And that hereafter no commissions of like nature may issue forth, to any person or persons whatsoever, to be executed as aforesaid, lest, by color of them, any of your majesty's subjects be destroyed, or put to death, contrary to the laws and franchise of the land.

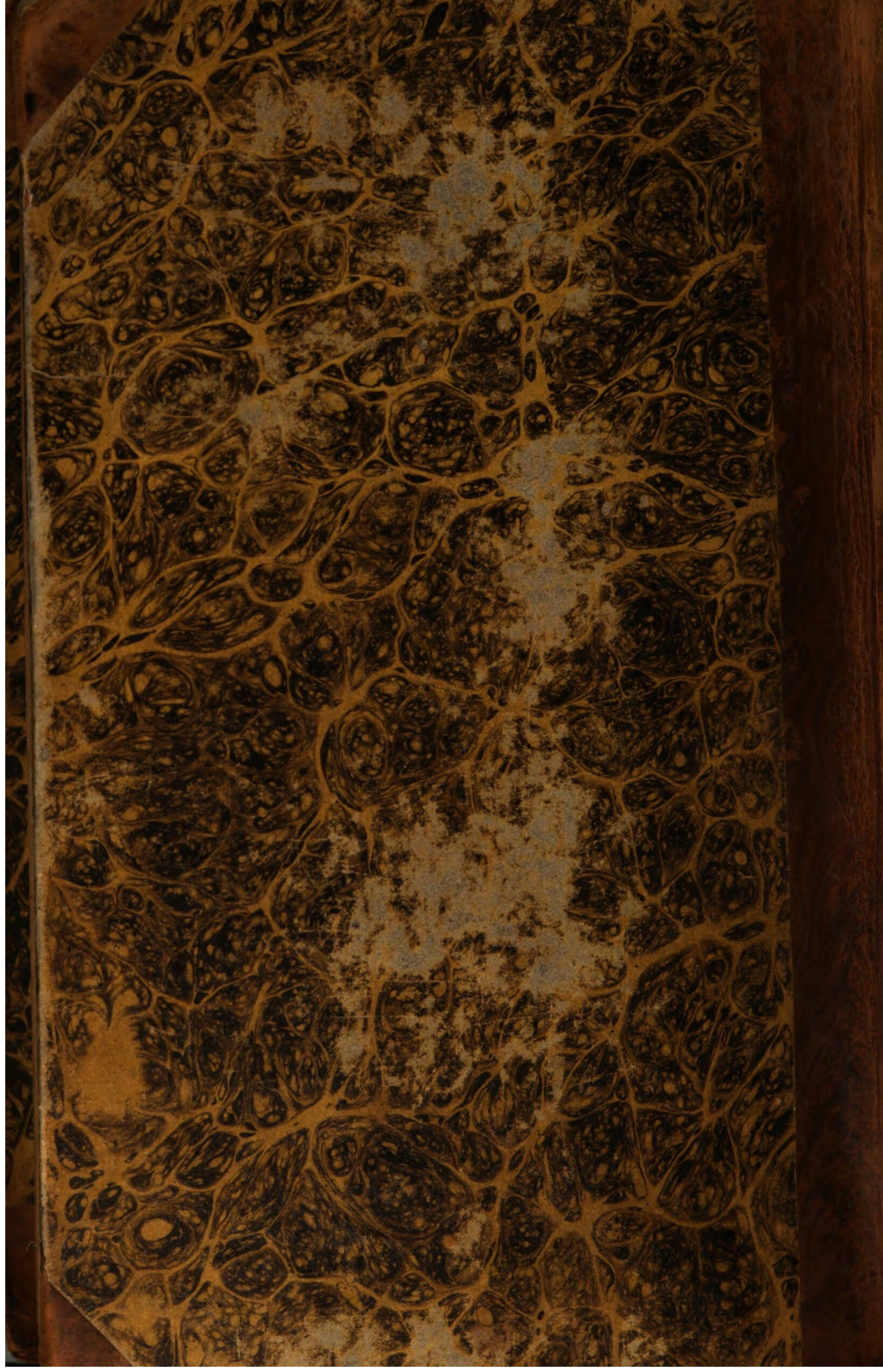
XI. ALL which they most humbly pray of your most excellent majesty, as their rights and liberties, according to the laws and statutes of this realm: And that your majesty would also vouchsafe to declare, That the awards, doings, and proceedings to the prejudice of your people, in any of the premises, shall not be drawn hereafter into consequence or example: And that your majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid, all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honor of your majesty, and the prosperity of this kingdom. *Stat. 17 Car. cap. 14.*

NOTE

NOTE [X], p. 340.

THE reason assigned by Sir Philip Warwick, p. 2. for this unusual measure of the commons, is, that they intended to deprive the crown of the prerogative, which it had assumed, of varying the rates of the impositions, and at the same time were resolved to cut off the new rates fixed by James. These were considerable diminutions both of revenue and prerogative; and whether they would have there stopped, considering their present disposition, may be much doubted. The king, it seems, and the lords, were resolved not to trust them; nor to render a revenue once precarious, which perhaps they might never afterwards be able to get re-established on the old footing.

END OF THE EIGHTH VOLUME.



Hume, David, 1711-1776

The History Of England From The Invasion Of Julius Caesar To The
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